

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0923-AIR-E TCEQ ID: RN100225945 CASE NO.: 33795**  
**RESPONDENT NAME: THE DOW CHEMICAL COMPANY**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 2301 North Brazosport Boulevard, Freeport, Brazoria County

**TYPE OF OPERATION:** chemical manufacturing plant

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are three complaints, alleging that black smoke and odors were emanating from the facility and that visible flaring was occurring. There are two pending enforcement actions regarding this facility location: Docket Nos. 2008-0843-AIR-E (settled by Enforcement Division, pending agenda setting) and 2008-1723-AIR-E (settled by Enforcement Division, pending agenda setting).

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired June 15, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Anna M. Cox, Litigation Division, MC 175, (512) 239-0974  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Enforcement Coordinator:** Mr. Terry Murphy, Air Enforcement Section, MC 149, (512) 239-5025

**TCEQ Regional Contact:** Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637

**Respondent:** Mr. Steven Kilpatrick, Environmental, Safety, and Health Manager, 604 West 14<sup>th</sup> Street, Austin, Texas 78701

**Respondent's Attorney:** Mr. Matt Paulson, Baker Botts L.L.P., 1500 San Jacinto Center, 98 San Jacinto Blvd., Austin, Texas 78701-4039

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Types of Investigations:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Dates of Investigation Relating to this Case:</b>  July 5, 2005, April 6, 2006, March 27, 2007, March 29, 2007, March 30, 2007, and April 30, 2007</p> <p><b>Dates of NOEs Relating to this Case:</b>  April 24, 2007; April 30, 2007; May 9, 2007; May 11, 2007; May 17, 2007; and June 11, 2007</p> <p><b>Background Facts:</b>  The case was referred to the Litigation Division December 27, 2007. The EDRP was filed February 25, 2008. The Respondent signed an Agreed Order March 24, 2009.</p> <p><b>Current Compliance Status:</b>  No outstanding Technical Requirements.</p> <p><b>AIR:</b></p> <p>1. Failed to comply with permitted emissions limits. Specifically, during an excessive emissions event from June 26 to August 13, 2005, Flare FS1 (EPN B60F3) and the GT-30 Gas Turbine Stack (EPN B72S30) in the Light Hydrocarbons - 7 Unit emitted 148,905 lbs of volatile organic compounds ("VOC"), 105,438 lbs of carbon monoxide ("CO"), 13,868 lbs of nitrogen oxides ("NOx"), and 1,682 lbs of benzene over a 1,160 hour period. Because this was an excessive emissions event, it is not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), New Source Review ("NSR") Flexible Air Permit No. 20432/PSD-TX-994M1, Special Condition ("SC") No. III-1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2. Failed to comply with permitted emissions limits. Specifically, during an emissions event from February 10 to 11, 2006, Elevated Flare F1 (EPN OC6F1) and Ground Flare F1000 (EPN OC6F1000) in the Light Hydrocarbons - 8 Block OC 601 Unit emitted 34,334 lbs of VOC [which included 31,555 lbs of highly reactive VOC ("HRVOC")], 40,066 lbs of CO, 5,938 lbs of NOx, and 3 lbs of benzene over a 16 hour period. Because this event could have been avoided by better operations practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX.</p>	<p><b>Total Assessed:</b> \$166,465</p> <p><b>Total Deferred:</b> \$83,232  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid to General Revenue:</b> \$83,233</p> <p>The Respondent paid \$83,233 of the administrative penalty. The remaining amount of \$83,232 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b>  Human health and environmental receptors have been exposed to pollutants which exceed levels that are protective (violation nos. 1 and 4).</p> <p><b>Excessive Emissions Event Determination Factors:</b></p> <p><b>June 26 – August 13, 2005: (violation No. 1)</b>  30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and NSR Flexible Air Permit No. 20432/PSD-TX-994M1, SC No. III-1: Excessive emissions event occurred when Flare FS1 (EPN B60F3) and the GT-30 Gas Turbine Stack (EPN B72S30) in the Light Hydrocarbons - 7 Unit emitted 148,905 lbs of VOC, 105,438 lbs of CO, 13,868 lbs of NOx, and 1,682 lbs of benzene over a 1,160 hour period.</p> <p><b>February 9, 2007: (violation No. 4)</b>  30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and NSR Air Permit No. 7531, SC Nos. 1 and 2: Excessive emissions event occurred when the rupture disc on the T-142 MeCl2 Stripper Tower in the Polycarbonate Manufacturing</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that, in response to this enforcement action, Respondent implemented the following corrective measures at the Plant:</p> <ol style="list-style-type: none"> <li>By March 31, 2006, completed the Corrective Action Plan ("CAP") submitted in connection with the excessive emissions event that occurred June 26 to August 13, 2005.</li> <li>By March 27, 2006, in connection with the emissions event that occurred February 10 – 11, 2006, created a Critical Event Review to change out power supplies on any compressor in the Light Hydrocarbons - 8 Block OC 601 Unit. Before any task like this is executed in the future, this review will be completed to ensure all details of the task are understood and both equipment and process are ready for the task.</li> <li>By May 18, 2006, in connection with the emissions event that occurred February 10 – 11, 2006, developed a procedure to change out the power supplies that ensures it includes not only part numbers but verification of power voltages, amps, etc. on the parts that will be replaced and installed.</li> <li>By May 4, 2007, retested the stack on the 511 Heater (EPN B27S511) located in the B-2700 block of the Plant B Site and demonstrated compliance with the permitted emissions limits for NO<sub>x</sub>.</li> <li>By June 21, 2007, completed the CAP submitted in connection with the excessive emissions event that occurred on February 9, 2007.</li> <li>By May 18, 2006, in order to address the emissions event that occurred on January 30, 2007 at the Elevated Flare F1 (EPN OC6F1) in the Light Hydrocarbons - 8 Block OC 601 Unit, implemented procedures to change out power supplies and include verification of power voltages, amps, and part numbers.</li> <li>By June 29, 2007, in order to address the emissions event that occurred on March 8, 2007 at the emergency vents in the Polyethylene 4 Unit, provided additional training to employees on the Polyethylene IV Procedure Use Policy.</li> </ol>

RESPONDENT NAME: THE DOW CHEMICAL COMPANY  
DOCKET NO.: 2007-0923-AIR-E

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<p>ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, SC No. III-1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3. Failed to comply with permitted emissions limits. Specifically, on December 29, 2006, the Respondent conducted a stack test on the 511 Heater (EPN B27S511) located in the B-2700 block of the Plant B Site. Test results showed emissions of NO<sub>x</sub> at 5.70 lbs/hr, while permitted emissions are 3.73 lbs/hr [30 TEX. ADMIN. CODE § 116.115(c), NSR Air Permit No. 6803, SC No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4. Failed to comply with permitted emissions limits. Specifically, the emissions limit for the rupture disc on the T-142 MeCl<sub>2</sub> Stripper Tower in the Polycarbonate Manufacturing Unit is zero lbs/hr, and during an excessive emissions event on February 9, 2007, the rupture disc emitted 42,500 lbs of methyl chloride over a 2.2 hour period. Because this was an excessive emissions event, it is not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.115(c), NSR Air Permit No. 7531, SC Nos. 1 and 2, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5. Failed to comply with permitted emissions limits. Specifically, during an emissions event on January 30, 2007, Elevated Flare F1 (EPN OC6F1) in the Light Hydrocarbons - 8 Block OC 601 Unit emitted 4,098 lbs of VOC (which included 3,479 lbs of HRVOC) and 21 lbs of benzene over a 19.6 hour period. Because the Respondent failed to minimize the amount and duration of this event, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a), 101.20(1), and (3), 40 CFR § 60.18(c)(2) and (d), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, SC General Requirement 4 and SC No. III-1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>6. Allowed unauthorized emissions. Specifically, during an emissions event on March 8, 2007, emergency vents in the Polyethylene 4 Unit, with no authorization to emit, emitted 802 lbs of ethylene and 700 lbs of carbon over a one minute period. Because the emissions could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p>	<p>Unit emitted 42,500 lbs of methyl chloride over a 2.2 hour period; the emissions limit for the rupture disc is zero lbs/hr.</p>	<p><b>Ordering Provision:</b></p> <p>Implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>
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Attachment A  
Docket Number: 2007-0923-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** **THE DOW CHEMICAL COMPANY**

**Penalty Amount:** **One hundred sixty-six thousand four hundred sixty-five dollars (\$166,465)**

**SEP Offset Amount:** **Eighty-three thousand two hundred thirty-two dollars (\$83,232)**

**Type of SEP:** **Pre-approved**

**Third-Party Recipient:** **Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") *Clean Cities/Clean Vehicles Program***

**Location of SEP:** **Brazoria County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **AERCO** for the **Houston-Galveston Area Emission Reduction Credit Organization** for the *Clean Cities/Clean Vehicles Program* in Brazoria County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap. This project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate

matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, TX 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

The Dow Chemical Company  
Agreed Order 2007-0923-AIR-E

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5.     Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6.     Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7.     Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

<b>DATES</b>	Assigned	4-Jun-2007	Screening	13-Jun-2007	EPA Due	4-Mar-2008
	PCW	3-Mar-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	The Dow Chemical Company
Reg. Ent. Ref. No.	RN100225945
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	33795	No. of Violations	6
Docket No.	2007-0923-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$52,500**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **Subtotals 2, 3, & 7** **\$199,500**

Notes: The penalty was enhanced by 53 same or similar NOV's, 38 dissimilar NOV's, three 1660-style orders, and two findings orders; and was reduced by 51 NOAs and ten DOVs.

**Culpability** **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **Subtotal 5** **\$5,250**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: The Respondent returned to compliance by June 29, 2007.

**Total EB Amounts** **Subtotal 6** **\$0**

**Approx. Cost of Compliance** **\$51,000**

**0% Enhancement\***  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$246,750**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** **\$18,828**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: The penalty was enhanced due to the large amount of contaminants released over 48 days in Violation 1.

**Final Penalty Amount** **\$265,577**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$166,465**

**DEFERRAL** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$166,465**

Screening Date 13-Jun-2007

Docket No. 2007-0923-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33795

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Terry Murphy

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	53	265%
	Other written NOVs	38	76%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	51	-51%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	10	-20%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 380%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The penalty was enhanced by 53 same or similar NOVs, 38 dissimilar NOVs, three 1660-style orders, and two findings orders; and was reduced by 51 NOAs and ten DOVs.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 380%



<b>Screening Date</b> 13-Jun-2007		<b>Docket No.</b> 2007-0923-AIR-E		<b>PCW</b>																
<b>Respondent</b> The Dow Chemical Company		<i>Policy Revision 2 (September 2002)</i>																		
<b>Case ID No.</b> 33795		<i>PCW Revision May 25, 2007</i>																		
<b>Reg. Ent. Reference No.</b> RN100225945																				
<b>Media [Statute]</b> Air																				
<b>Enf. Coordinator</b> Terry Murphy																				
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">1</div>																		
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 5px;"> 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), New Source Review ("NSR")  Flexible Air Permit No. 20432/PSD-TX-994M1, Special Condition ("SC") No. III-1, and  Tex. Health &amp; Safety Code § 382.085(b) </div>																		
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;"> <p>Failed to comply with permitted emissions limits, as documented during an investigation conducted on July 5, 2005. Specifically, during an excessive emissions event from June 26 to August 13, 2005, Flare FS1 (EPN B60F3) and the GT-30 Gas Turbine Stack (EPN B72S30) in the Light Hydrocarbons - 7 Unit emitted 148,905 lbs of volatile organic compounds ("VOC"), 105,438 lbs of carbon monoxide ("CO"), 13,868 lbs of nitrogen oxides ("NOx"), and 1,682 lbs of benzene over a 1,160 hour period. Because this was an excessive emissions event, it is not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).</p> </div>																		
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	x			Potential			
		Harm																		
	Release	Major	Moderate	Minor																
Actual	x																			
Potential																				
<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">100%</div>																				
<b>&gt;&gt; Programmatic Matrix</b>																				
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					Falsification	Major	Moderate	Minor											
		Falsification	Major	Moderate	Minor															
<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0%</div>																				
Human health or the environment were exposed to significant amounts of pollutants which exceeded levels protective of environmental receptors as a result of the violation.																				
<b>Adjustment</b>				<div style="border: 1px solid black; padding: 2px;">\$0</div>																
				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>																
<b>Violation Events</b>																				
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px;">2</div>	<b>Number of violation days</b>	<div style="border: 1px solid black; padding: 2px;">48</div>																
mark only one with an x	daily	<div style="border: 1px solid black; padding: 2px;"></div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px;">\$20,000</div>																	
	monthly	<div style="border: 1px solid black; padding: 2px;">x</div>																		
	quarterly	<div style="border: 1px solid black; padding: 2px;"></div>																		
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>																		
	annual	<div style="border: 1px solid black; padding: 2px;"></div>																		
	single event	<div style="border: 1px solid black; padding: 2px;"></div>																		
Two monthly events are recommended.																				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																	
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px;">\$533</div>	<b>Violation Final Penalty Total</b>	<div style="border: 1px solid black; padding: 2px;">\$101,172</div>																
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<div style="border: 1px solid black; padding: 2px;">\$101,172</div>																	

## Economic Benefit Worksheet

Respondent The Dow Chemical Company

Case ID No. 33795

Reg. Ent. Reference No. RN100225945

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	26-Jun-2005	31-Mar-2006	0.8	\$25	\$508	\$533
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve operational practices. The Date Required is the date the event began, and the Final Date is the date Dow completed its Corrective Action Plan.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$533

Screening Date 13-Jun-2007

Docket No. 2007-0923-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33795

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, SC No. III-1, and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits, as documented during an investigation conducted on April 6, 2006. Specifically, during an emissions event from February 10 to 11, 2006, Elevated Flare F1 (EPN OC6F1) and Ground Flare F1000 (EPN OC6F1000) in the Light Hydrocarbons - 8 Block OC 601 Unit emitted 34,334 lbs of VOC [which included 31,555 lbs of highly reactive VOC ("HRVOC")], 40,066 lbs of CO, 5,938 lbs of NOx, and 3 lbs of benzene over a 16 hour period. Because this event could have been avoided by better operations practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment were exposed to significant amounts of pollutants which exceeded levels protective environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One daily event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$186

Violation Final Penalty Total \$50,586

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 33795  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	10-Feb-2006	18-May-2006	0.3	\$9	\$177	\$186
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve operational practices. The Date Required is the date the event began, and the Final Date is the date Dow completed operational improvements.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$186

Screening Date 13-Jun-2007

Docket No. 2007-0923-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33795

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Air Permit No. 6803, SC No. 1, and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits, as documented during an investigation conducted on March 27, 2007. Specifically, on December 29, 2006, Dow conducted a stack test on the 511 Heater (EPN B27S511) located in the B-2700 block of the Plant B Site. Test results showed emissions of NOx at 5.70 lbs/hr, while permitted emissions are 3.73 lbs/hr.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment were exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 2

126 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the date of the failed test (December 29, 2006) to the date the flare was retested and demonstrated to be in compliance (May 4, 2007).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$362

Violation Final Penalty Total \$25,293

This violation Final Assessed Penalty (adjusted for limits) \$25,293

## Economic Benefit Worksheet

Respondent: The Dow Chemical Company

Case ID No. 33795

Reg. Ent. Reference No. RN100225945

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$15,000	29-Dec-2006	4-May-2007	0.3	\$17	\$345	\$362
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to adjust processes and retest flare. The Date required is the date of the stack test, and the Final Date is the date Dow retested the flare and demonstrated compliance with emissions limits.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$362

Screening Date 13-Jun-2007

Docket No. 2007-0923-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33795

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Air Permit No. 7531, SC Nos. 1 and 2, and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to comply with permitted emissions limits, as documented during an investigation conducted on March 29, 2007. Specifically, the emissions limit for the rupture disc on the T-142 MeCl<sub>2</sub> Stripper Tower in the Polycarbonate Manufacturing Unit is zero lbs/hr, and during an excessive emissions event on February 9, 2007, the rupture disc emitted 42,500 lbs of methyl chloride over a 2.2 hour period. Because this was an excessive emissions event, it is not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment were exposed to significant amounts of pollutants which exceeded levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

One daily event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$253

Violation Final Penalty Total \$50,586

This violation Final Assessed Penalty (adjusted for limits) \$10,000

**Economic Benefit Worksheet**

**Respondent** The Dow Chemical Company  
**Case ID No.** 33795  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	9-Feb-2007	21-Jun-2007	0.4	\$12	\$241	\$253
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve operational practices. The Date Required is the date the event began, and the Final Date is the date Dow completed its Corrective Action Plan.

<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$253



Screening Date 13-Jun-2007

Docket No. 2007-0923-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33795

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a), 101.20(1), and 101.20(3), 40 Code of Federal Regulations § 60.18(c)(2) and (d), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, SC General Requirement 4 and SC No. III-1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits, as documented during an investigation conducted on March 30, 2007. Specifically, during an emissions event on January 30, 2007, Elevated Flare F1 (EPN OC6F1) in the Light Hydrocarbons - 8 Block OC 601 Unit emitted 4,098 lbs of VOC (which included 3,479 lbs of HRVOC) and 21 lbs of benzene over a 19.6 hour period. Because Dow failed to minimize the amount and duration of this event, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment were exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount -\$246

Violation Final Penalty Total \$25,293

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 33795  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	30-Jan-2007	18-May-2006	-0.7	-\$12	-\$235	-\$246
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve equipment and/or operational practices. The Date Required is the date the event began, and the Final Date is the date Dow completed the improvements.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

-\$246

Screening Date 13-Jun-2007

Docket No. 2007-0923-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 33795

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health &amp; Safety Code §§ 382.085(b) and 382.0518(a)

**Violation Description** Allowed unauthorized emissions, as documented during an investigation conducted on April 30, 2007. Specifically, during an emissions event on March 8, 2007, emergency vents in the Polyethylene 4 Unit, with no authorization to emit, emitted 802 lbs of ethylene and 700 lbs of carbon over a one minute period. Because the emissions could have been avoided by better maintenance practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11)

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment were exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$12,647

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** The Dow Chemical Company  
**Case ID No.** 33795  
**Reg. Ent. Reference No.** RN100225945  
**Media** Air  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	8-Mar-2007	29-Jun-2007	0.3	\$15	n/a	\$15
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide additional training. The Date Required is the date of the emissions event, and the Final Date is the date Dow completed the training.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$15

# Compliance History

Customer/Respondent/Owner-Operator:	CN600356976	The Dow Chemical Company	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN100225945	DOW TEXAS OPERATIONS FREEPORT	Classification: AVERAGE	Site Rating: 5.26
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0082R	
	AIR OPERATING PERMITS	PERMIT	1388	
	AIR OPERATING PERMITS	PERMIT	2202	
	AIR OPERATING PERMITS	PERMIT	2203	
	AIR OPERATING PERMITS	PERMIT	2204	
	AIR OPERATING PERMITS	PERMIT	2205	
	AIR OPERATING PERMITS	PERMIT	2206	
	AIR OPERATING PERMITS	PERMIT	2207	
	AIR OPERATING PERMITS	PERMIT	2208	
	AIR OPERATING PERMITS	PERMIT	2209	
	AIR OPERATING PERMITS	PERMIT	2210	
	AIR OPERATING PERMITS	PERMIT	2211	
	AIR OPERATING PERMITS	PERMIT	2212	
	AIR OPERATING PERMITS	PERMIT	2213	
	AIR OPERATING PERMITS	PERMIT	2214	
	AIR OPERATING PERMITS	PERMIT	2215	
	AIR OPERATING PERMITS	PERMIT	2216	
	AIR OPERATING PERMITS	PERMIT	2217	
	AIR OPERATING PERMITS	PERMIT	2218	
	AIR OPERATING PERMITS	PERMIT	2219	
	AIR OPERATING PERMITS	PERMIT	2220	
	AIR OPERATING PERMITS	PERMIT	2221	
	AIR OPERATING PERMITS	PERMIT	2311	
	AIR OPERATING PERMITS	PERMIT	2313	
	AIR OPERATING PERMITS	PERMIT	2697	
	AIR OPERATING PERMITS	PERMIT	N041	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200535	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200232	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200027	
	WASTEWATER	PERMIT	WQ0000007000	
	WASTEWATER	PERMIT	TPDES0006483	
	WASTEWATER	PERMIT	TX0006483	
	WASTEWATER	PERMIT	TPDES0006484	
	WASTEWATER	PERMIT	TX0059447000	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008092793	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30106	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50161	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50161	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW059	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW071	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW076	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW081	
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	38910	
	AIR NEW SOURCE PERMITS	PERMIT	2602	
	AIR NEW SOURCE PERMITS	REGISTRATION	71888	
	AIR NEW SOURCE PERMITS	REGISTRATION	72132	
	AIR NEW SOURCE PERMITS	PERMIT	5340	
	AIR NEW SOURCE PERMITS	PERMIT	5746	
	AIR NEW SOURCE PERMITS	PERMIT	6069A	
	AIR NEW SOURCE PERMITS	PERMIT	6383	
	AIR NEW SOURCE PERMITS	PERMIT	6744	
	AIR NEW SOURCE PERMITS	PERMIT	6932	
	AIR NEW SOURCE PERMITS	PERMIT	7093	
	AIR NEW SOURCE PERMITS	PERMIT	7094	
	AIR NEW SOURCE PERMITS	PERMIT	7385	
	AIR NEW SOURCE PERMITS	PERMIT	7447	
	AIR NEW SOURCE PERMITS	PERMIT	7942	
	AIR NEW SOURCE PERMITS	PERMIT	9045	
	AIR NEW SOURCE PERMITS	PERMIT	9837	
	AIR NEW SOURCE PERMITS	PERMIT	9838	
	AIR NEW SOURCE PERMITS	PERMIT	10469	
	AIR NEW SOURCE PERMITS	PERMIT	10534	
	AIR NEW SOURCE PERMITS	PERMIT	10613	
	AIR NEW SOURCE PERMITS	PERMIT	10677	

AIR NEW SOURCE PERMITS	PERMIT	10689
AIR NEW SOURCE PERMITS	PERMIT	10731
AIR NEW SOURCE PERMITS	PERMIT	10766
AIR NEW SOURCE PERMITS	PERMIT	10792
AIR NEW SOURCE PERMITS	PERMIT	10794
AIR NEW SOURCE PERMITS	PERMIT	10845
AIR NEW SOURCE PERMITS	PERMIT	10955
AIR NEW SOURCE PERMITS	PERMIT	11092
AIR NEW SOURCE PERMITS	PERMIT	11691
AIR NEW SOURCE PERMITS	PERMIT	11691A
AIR NEW SOURCE PERMITS	PERMIT	11745
AIR NEW SOURCE PERMITS	PERMIT	11919
AIR NEW SOURCE PERMITS	PERMIT	12007
AIR NEW SOURCE PERMITS	PERMIT	12008
AIR NEW SOURCE PERMITS	PERMIT	12045
AIR NEW SOURCE PERMITS	PERMIT	12051
AIR NEW SOURCE PERMITS	PERMIT	12104
AIR NEW SOURCE PERMITS	PERMIT	12265
AIR NEW SOURCE PERMITS	PERMIT	12613
AIR NEW SOURCE PERMITS	PERMIT	13104
AIR NEW SOURCE PERMITS	PERMIT	13132
AIR NEW SOURCE PERMITS	PERMIT	13950
AIR NEW SOURCE PERMITS	PERMIT	14935
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AIR NEW SOURCE PERMITS	REGISTRATION	51547
AIR NEW SOURCE PERMITS	REGISTRATION	82027
AIR NEW SOURCE PERMITS	REGISTRATION	82190
WATER LICENSING	LICENSE	0200232
WASTEWATER LICENSING	LICENSE	WQ0000007000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50161
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30106

Location: 2301 N BRAZOSPORT BLVD, FREEPORT, TX, 77541 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 08, 2002 to August 08, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Terry Murphy Phone: (512) 239-5025

#### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

#### Components (Multimedia) for the Site :

##### A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

- |   |  |   |
|---|--|---|
| 1 | Effective Date: 02/17/2003<br>Classification: Moderate   | 1660-style admin. order 2002-0689-IHW-E |
|   | Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)<br>30 TAC Chapter 335, SubChapter E 335.112(a)(9)                             |   |
|   | 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)   |   |
|   | 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(b)   |   |
|   | 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)   |   |
|   | Description: Failure to provide a secondary containment for ancillary piping having threaded connections for valves, gauges, and joints. |   |
| 2 | Effective Date: 11/11/2004<br>Classification: Moderate   | 1660-style admin. order 2003-0947-AIR-E |

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46429 PERMIT

Description: Failure to demonstrate a VOC DRE of at least 99.99% as required by Permit No. 46429, SC 8.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46429 MAERT PERMIT

Description: Failure to demonstrate compliance with VOC #/hr emission limits as required by Permit 46429 MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 46429 SC14 PERMIT

Description: Failure to provide a compliance test for NOx as specified in 40CFR60, Appendix A, Method 7E, § 2 as referenced to Method 6C, § 2.1 and 2.2.

3. Failure to provide a compliance test for NOx as specified in 40CFR60, Appendix A, Method 7E, § 2 as referenced to Method 6C, § 2.1 and 2.2.

3

Effective Date: 08/07/2005

Findings admin. order 2004-0572-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #X-7386, SC#1 PERMIT

Description: Failed to prevent the premature failure of Primary Reactor R-1 rupture disk which resulted in the release of unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 3301, Special Condition #9 PERMIT

Description: Failed to maintain logs whenever a chlorine leak is discovered in the unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4022, Special Condition #7 PERMIT

Description: Failed to maintain a minimum of at least 8 weight percent caustic concentration in the series-operated D-206A/T-206A Scrubbers.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 3301, Special Condition #1 PERMIT

Description: Failed to adhere to the permitted limit in tons per year (EPN No. B47F1) for CO during CY 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 4021, Special Condition #9 PERMIT

Description: Failed to operate the tail gas back-up-scrubber (EPN No. B22SV31) exclusively within the conditions of the permit.

4

Effective Date: 04/14/2006

1660-stlye admin. order 2005-0716-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit No. 20432, SC III-1 PERMIT

Description: Failed to prevent unauthorized emissions of 2,372.99 pounds (lbs) of volatile organic compounds (VOCs), 2,753.36 lbs of carbon monoxide (CO), and 100% opacity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit an initial report within 24 hours after the discovery of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 834, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 1,174 pounds lbs of VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: NSR Permit No. 5340, Special Condition 1 PERMIT  
 Description: Failed to prevent unauthorized emissions of 443.94 pounds lbs of VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #20996, SC #1 PERMIT  
 Description: Failed to prevent unauthorized emissions of 66.64 lbs of 1,2-butylene oxide, 3,905.8 lbs of VOCs,  
 482.98 lbs of ethylene oxide, and 22.54 lbs of propylene oxide.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: NSR Permit 48813, Special Condition 1 PERMIT  
 Description: Failed to prevent unauthorized emissions of 1,893 lbs VOCs.

5

Effective Date: 07/13/2007

Findings admin. order 2006-2006-AIR-E

Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: TCEQ Flex Air Permit 20432, SC Ch III-1 PERMIT  
 Description: Failed to prevent unauthorized emissions.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: TCEQ Air Permit No. 7836, SC 1 PERMIT  
 Description: Failed to prevent unauthorized emissions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/25/2002	(159602)	177	08/31/2004	(273678)	355	04/19/2006	(459137)
2	07/03/2002	(4135)	178	08/31/2004	(273416)	356	04/26/2006	(433177)
			179	08/31/2004	(273127)	357	05/09/2006	(459139)
3	07/09/2002	(2159)	180	08/31/2004	(273881)	358	05/11/2006	(459075)
4	07/17/2002	(4563)	181	08/31/2004	(272729)	359	05/11/2006	(459108)
5	07/19/2002	(4762)	182	08/31/2004	(272789)	360	05/11/2006	(289568)
6	07/19/2002	(4827)	183	08/31/2004	(272814)	361	05/17/2006	(462138)
7	07/19/2002	(5014)	184	08/31/2004	(274129)	362	05/17/2006	(461234)
8	07/19/2002	(5209)	185	09/01/2004	(267453)	363	05/17/2006	(463636)
9	07/29/2002	(159606)	186	09/01/2004	(277902)	364	05/17/2006	(465607)
10	07/31/2002	(5786)	187	09/07/2004	(291280)	365	05/24/2006	(466817)
11	07/31/2002	(6169)	188	09/07/2004	(333240)	366	05/25/2006	(462747)
12	08/07/2002	(7213)	189	09/23/2004	(352359)	367	05/25/2006	(462749)
13	08/07/2002	(7201)	190	10/22/2004	(352360)	368	05/25/2006	(462949)
14	08/07/2002	(7186)	191	10/31/2004	(276897)	369	05/31/2006	(457316)
15	08/09/2002	(7520)	192	10/31/2004	(276789)	370	06/15/2006	(481001)
16	08/13/2002	(8036)	193	10/31/2004	(289698)	371	06/22/2006	(458889)
17	08/14/2002	(7906)	194	11/01/2004	(285137)	372	07/14/2006	(457318)
18	08/15/2002	(6894)	195	11/01/2004	(284370)	373	07/14/2006	(486688)
19	08/15/2002	(7525)	196	11/01/2004	(285135)	374	07/14/2006	(484040)
20	08/15/2002	(7533)	197	11/01/2004	(286768)	375	07/14/2006	(480854)
21	08/15/2002	(7408)	198	11/04/2004	(338243)	376	07/14/2006	(480399)
22	08/16/2002	(7720)	199	11/05/2004	(334318)	377	07/14/2006	(480559)
23	08/16/2002	(8175)	200	11/05/2004	(334295)	378	07/14/2006	(485731)
24	08/16/2002	(7857)	201	11/22/2004	(335797)	379	07/17/2006	(462746)
25	08/19/2002	(4885)	202	11/24/2004	(352361)	380	07/17/2006	(462748)
26	08/19/2002	(6722)	203	12/06/2004	(284914)	381	07/17/2006	(482291)
27	08/20/2002	(7588)	204	12/10/2004	(114224)	382	07/18/2006	(481382)
28	08/23/2002	(4928)	205	12/13/2004	(339850)	383	07/21/2006	(482501)
29	08/25/2002	(8609)	206	12/13/2004	(336762)	384	07/21/2006	(457258)
30	08/26/2002	(159609)	207	12/13/2004	(334315)	385	08/07/2006	(466313)
31	08/27/2002	(9435)	208	12/16/2004	(285097)	386	08/07/2006	(438858)
32	08/27/2002	(9436)	209	12/16/2004	(286819)	387	08/08/2006	(479807)
33	08/31/2002	(10381)	210	12/16/2004	(114225)	388	08/11/2006	(457284)
34	08/31/2002	(8599)	211	12/16/2004	(289573)	389	08/11/2006	(247956)
35	08/31/2002	(4886)	212	12/17/2004	(286731)	390	08/14/2006	(483129)
36	09/04/2002	(9088)	213	12/17/2004	(339587)	391	08/14/2006	(483077)
37	09/05/2002	(10360)	214	12/17/2004	(338429)	392	08/14/2006	(483124)
38	09/25/2002	(159612)	215	12/20/2004	(339119)	393	08/15/2006	(489788)

39	09/26/2002	(12350)	216	12/20/2004	(339116)	394	08/15/2006	(490271)
40	09/26/2002	(11829)	217	12/21/2004	(334606)	395	08/15/2006	(462106)
41	09/30/2002	(7575)	218	12/22/2004	(289575)	396	08/18/2006	(465699)
42	10/11/2002	(11055)	219	12/22/2004	(289567)	397	08/18/2006	(483113)
43	10/15/2002	(12337)	220	12/23/2004	(381958)	398	08/18/2006	(480155)
44	10/16/2002	(12820)	221	12/28/2004	(251988)	399	08/18/2006	(338817)
45	10/16/2002	(12725)	222	12/28/2004	(256034)	400	08/18/2006	(338822)
46	10/24/2002	(159615)	223	12/31/2004	(338842)	401	08/22/2006	(490091)
47	10/29/2002	(14541)	224	01/05/2005	(285365)	402	08/22/2006	(484727)
48	10/30/2002	(10265)	225	01/06/2005	(339121)	403	08/23/2006	(509637)
49	11/18/2002	(12073)	226	01/07/2005	(338837)	404	08/23/2006	(457315)
50	11/27/2002	(159619)	227	01/07/2005	(339147)	405	08/23/2006	(457302)
51	12/09/2002	(14830)	228	01/07/2005	(339138)	406	08/23/2006	(484737)
52	12/17/2002	(15107)	229	01/07/2005	(339177)	407	08/25/2006	(509011)
53	12/19/2002	(18859)	230	01/09/2005	(339130)	408	08/25/2006	(484732)
54	12/23/2002	(159623)	231	01/14/2005	(338682)	409	08/28/2006	(484741)
55	01/03/2003	(15110)	232	01/17/2005	(249734)	410	08/28/2006	(497117)
56	01/27/2003	(21017)	233	01/21/2005	(337408)	411	08/28/2006	(490104)
57	01/27/2003	(21168)	234	01/21/2005	(381959)	412	08/31/2006	(457309)
58	01/31/2003	(159627)	235	01/27/2005	(347186)	413	09/01/2006	(487866)
			236	01/31/2005	(347857)	414	09/01/2006	(489802)
59	02/03/2003	(286198)	237	01/31/2005	(347762)	415	09/01/2006	(509414)
60	02/03/2003	(285652)	238	01/31/2005	(347883)	416	09/01/2006	(509787)
61	02/12/2003	(22520)	239	02/01/2005	(347843)	417	09/01/2006	(509679)
62	02/28/2003	(26378)	240	02/21/2005	(337409)	418	09/01/2006	(508889)
63	02/28/2003	(159586)	241	02/21/2005	(344830)	419	09/01/2006	(497542)
64	03/04/2003	(26394)	242	02/21/2005	(337411)	420	09/01/2006	(487340)
65	03/06/2003	(26396)	243	02/21/2005	(345433)	421	09/01/2006	(489195)
66	03/07/2003	(21400)	244	02/21/2005	(345507)	422	09/07/2006	(510182)
67	03/20/2003	(23813)	245	02/21/2005	(344930)	423	09/07/2006	(510901)
68	03/21/2003	(159590)	246	02/23/2005	(346354)	424	09/08/2006	(489713)
69	04/14/2003	(27517)	247	02/23/2005	(346345)	425	09/08/2006	(489814)
70	04/28/2003	(159595)	248	02/24/2005	(339179)	426	09/08/2006	(490187)
71	05/19/2003	(159599)	249	02/25/2005	(345303)	427	09/08/2006	(490183)
72	05/19/2003	(28851)	250	02/28/2005	(381956)	428	09/08/2006	(510155)
73	05/27/2003	(29063)	251	03/02/2005	(372448)	429	09/18/2006	(509863)
74	05/28/2003	(31177)	252	03/07/2005	(372291)	430	09/29/2006	(513116)
75	05/28/2003	(31159)	253	03/07/2005	(372281)	431	10/11/2006	(512347)
76	05/30/2003	(60877)	254	03/10/2005	(346208)	432	10/12/2006	(515784)
77	06/23/2003	(35416)	255	03/18/2005	(346350)	433	10/12/2006	(515660)
78	06/24/2003	(60303)	256	03/18/2005	(346346)	434	10/25/2006	(509774)
79	06/26/2003	(60783)	257	03/21/2005	(346710)	435	10/25/2006	(516468)
80	06/30/2003	(35785)	258	03/22/2005	(346347)	436	10/30/2006	(512117)
81	07/02/2003	(35418)	259	03/23/2005	(347781)	437	10/30/2006	(509665)
82	07/23/2003	(296010)	260	03/28/2005	(381957)	438	11/07/2006	(516999)
83	07/26/2003	(61449)	261	04/01/2005	(345046)	439	11/07/2006	(516589)
84	07/30/2003	(133869)	262	04/08/2005	(347573)	440	11/08/2006	(515899)
85	07/31/2003	(33803)	263	05/04/2005	(347119)	441	11/10/2006	(517068)
86	08/04/2003	(36623)	264	05/04/2005	(338714)	442	11/15/2006	(518266)
87	08/07/2003	(61967)	265	05/06/2005	(376209)	443	11/21/2006	(519005)
88	08/08/2003	(159603)	266	05/10/2005	(346362)	444	11/28/2006	(340237)
89	08/14/2003	(150122)	267	05/17/2005	(376212)	445	11/30/2006	(532072)
90	08/15/2003	(140682)	268	05/17/2005	(376280)	446	11/30/2006	(519472)
91	08/19/2003	(150391)	269	05/17/2005	(376237)	447	12/04/2006	(518693)
92	08/21/2003	(151151)	270	05/20/2005	(392573)	448	12/04/2006	(518648)
93	08/22/2003	(150711)	271	05/23/2005	(262475)	449	12/04/2006	(518746)
94	08/25/2003	(151529)	272	05/23/2005	(345033)	450	12/04/2006	(518847)
95	08/26/2003	(296012)	273	05/23/2005	(376200)	451	12/05/2006	(518987)
96	08/29/2003	(152748)	274	05/24/2005	(380324)	452	12/05/2006	(519433)
97	08/29/2003	(151240)	275	05/27/2005	(379484)	453	12/05/2006	(518994)
98	08/30/2003	(152221)	276	05/27/2005	(374664)	454	12/07/2006	(532408)
99	08/30/2003	(149187)	277	05/31/2005	(346355)	455	12/12/2006	(532985)
100	09/04/2003	(247717)	278	06/02/2005	(376058)	456	12/13/2006	(512466)
101	09/17/2003	(248098)	279	06/02/2005	(376059)	457	12/15/2006	(512613)
102	10/01/2003	(250440)	280	06/14/2005	(375259)	458	12/18/2006	(512614)
103	10/01/2003	(296014)	281	06/14/2005	(350783)	459	12/20/2006	(512546)
104	10/01/2003	(250457)	282	06/15/2005	(380845)	460	12/20/2006	(518862)
105	10/23/2003	(296016)	283	06/17/2005	(376522)	461	01/03/2007	(533504)
106	10/31/2003	(253956)	284	06/22/2005	(350704)	462	01/08/2007	(533024)
107	11/12/2003	(254614)	285	06/24/2005	(396413)	463	01/08/2007	(535581)
108	11/24/2003	(296017)	286	06/24/2005	(396517)	464	01/16/2007	(535585)

109	11/26/2003	(250021)	287	06/28/2005	(376054)	465	01/17/2007	(537051)
110	11/30/2003	(126059)	288	06/29/2005	(347598)	466	01/18/2007	(512465)
111	11/30/2003	(249732)	289	07/01/2005	(378760)	467	01/19/2007	(532798)
112	12/15/2003	(254080)	290	07/08/2005	(376056)	468	01/19/2007	(532792)
113	12/24/2003	(296018)	291	07/11/2005	(393361)	469	01/19/2007	(535582)
114	01/09/2004	(254701)	292	07/12/2005	(393369)	470	01/19/2007	(535584)
115	01/09/2004	(253974)	293	07/13/2005	(397022)	471	01/19/2007	(535587)
116	01/09/2004	(254710)	294	07/21/2005	(393364)	472	01/25/2007	(535586)
117	01/21/2004	(296019)	295	07/22/2005	(397876)	473	02/14/2007	(537570)
118	02/03/2004	(257672)	296	07/22/2005	(397878)	474	02/15/2007	(532539)
119	02/05/2004	(258950)	297	07/22/2005	(397880)	475	02/16/2007	(532501)
120	02/05/2004	(260440)	298	07/22/2005	(397881)	476	02/16/2007	(538485)
121	02/06/2004	(251940)	299	07/28/2005	(380321)	477	02/20/2007	(537571)
122	02/11/2004	(260442)	300	08/04/2005	(398933)	478	02/27/2007	(518917)
123	02/11/2004	(260085)	301	08/05/2005	(398937)	479	02/28/2007	(540981)
124	02/11/2004	(260441)	302	08/05/2005	(396199)	480	03/22/2007	(542323)
125	02/23/2004	(260927)	303	08/05/2005	(393374)	481	03/22/2007	(538381)
126	02/26/2004	(296001)	304	08/08/2005	(396518)	482	03/22/2007	(536044)
			305	08/11/2005	(377164)	483	03/23/2007	(553947)
127	03/10/2004	(261603)	306	08/12/2005	(285295)	484	03/23/2007	(554153)
128	03/10/2004	(264415)	307	08/15/2005	(398936)	485	03/23/2007	(538331)
129	03/15/2004	(262011)	308	08/15/2005	(393373)	486	03/23/2007	(542214)
130	03/15/2004	(261999)	309	08/19/2005	(404732)	487	03/23/2007	(543884)
131	03/15/2004	(261987)	310	08/19/2005	(393378)	488	03/23/2007	(554156)
132	03/22/2004	(263436)	311	08/22/2005	(396197)	489	03/26/2007	(554162)
133	03/22/2004	(296004)	312	08/24/2005	(403273)	490	03/30/2007	(489600)
134	03/29/2004	(264628)	313	08/25/2005	(404533)	491	03/30/2007	(489438)
135	03/30/2004	(264622)	314	08/25/2005	(397853)	492	04/02/2007	(532635)
136	04/12/2004	(264619)	315	08/29/2005	(398935)	493	04/09/2007	(554548)
137	04/13/2004	(265611)	316	08/30/2005	(398938)	494	04/09/2007	(554546)
138	04/19/2004	(296006)	317	09/01/2005	(403238)	495	04/12/2007	(543310)
139	04/23/2004	(265028)	318	09/12/2005	(406575)	496	04/18/2007	(514268)
140	04/23/2004	(258324)	319	09/14/2005	(431669)	497	04/19/2007	(535999)
141	04/29/2004	(255279)	320	09/28/2005	(406914)	498	04/19/2007	(531924)
142	04/30/2004	(255002)	321	09/28/2005	(402693)	499	04/19/2007	(531943)
143	04/30/2004	(254073)	322	09/30/2005	(402695)	500	04/24/2007	(555828)
144	05/12/2004	(257994)	323	10/05/2005	(374026)	501	04/27/2007	(532788)
145	05/14/2004	(248280)	324	10/26/2005	(432895)	502	04/30/2007	(515463)
146	05/14/2004	(263118)	325	10/26/2005	(432986)	503	05/07/2007	(514793)
147	05/17/2004	(253533)	326	10/26/2005	(432935)	504	05/07/2007	(511310)
148	05/24/2004	(31438)	327	10/26/2005	(431242)	505	05/08/2007	(511682)
149	05/26/2004	(352355)	328	10/26/2005	(432043)	506	05/08/2007	(511545)
150	05/26/2004	(258253)	329	10/26/2005	(432097)	507	05/08/2007	(557566)
151	06/01/2004	(254581)	330	11/15/2005	(435315)	508	05/08/2007	(511841)
152	06/02/2004	(272991)	331	11/30/2005	(373986)	509	05/08/2007	(557567)
153	06/03/2004	(258305)	332	11/30/2005	(435278)	510	05/08/2007	(533412)
154	06/16/2004	(247738)	333	12/30/2005	(433116)	511	05/09/2007	(555628)
155	06/28/2004	(352356)	334	01/10/2006	(436188)	512	05/10/2007	(558512)
156	06/30/2004	(266880)	335	01/17/2006	(378062)	513	05/10/2007	(558404)
157	06/30/2004	(267508)	336	01/27/2006	(436181)	514	05/11/2007	(462109)
158	06/30/2004	(267938)	337	02/03/2006	(436165)	515	05/14/2007	(516561)
159	07/06/2004	(258308)	338	02/07/2006	(436297)	516	05/14/2007	(398934)
160	07/07/2004	(258307)	339	02/09/2006	(435249)	517	05/14/2007	(516545)
161	07/20/2004	(278387)	340	02/27/2006	(436730)	518	05/14/2007	(516563)
162	07/26/2004	(352357)	341	02/27/2006	(453320)	519	05/14/2007	(559653)
163	07/28/2004	(276490)	342	03/02/2006	(431805)	520	05/14/2007	(559614)
164	07/28/2004	(282417)	343	03/17/2006	(340573)	521	05/17/2007	(513875)
165	07/28/2004	(282469)	344	03/23/2006	(436917)	522	05/18/2007	(554549)
166	08/16/2004	(281509)	345	03/23/2006	(433180)	523	05/21/2007	(538079)
167	08/17/2004	(284165)	346	03/24/2006	(374721)	524	05/23/2007	(560258)
168	08/17/2004	(273076)	347	03/28/2006	(436841)	525	05/25/2007	(561809)
169	08/17/2004	(284292)	348	03/31/2006	(436922)	526	05/25/2007	(560311)
170	08/18/2004	(277856)	349	03/31/2006	(454296)	527	05/25/2007	(560284)
171	08/24/2004	(352358)	350	04/11/2006	(454294)	528	05/25/2007	(561826)
172	08/27/2004	(267540)	351	04/17/2006	(459765)	529	05/25/2007	(561833)
173	08/27/2004	(266751)	352	04/17/2006	(454234)	530	05/25/2007	(560273)
174	08/27/2004	(279078)	353	04/17/2006	(436288)	531	05/31/2007	(561133)
175	08/29/2004	(265955)	354	04/17/2006	(433179)	532	05/31/2007	(541434)
176	08/31/2004	(272564)				533	05/31/2007	(561026)
						534	06/01/2007	(562217)
						535	06/01/2007	(562270)



E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

- 1 Date: 08/20/2002 (7575)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)(G)  
40 CFR Part 60, Subpart VV 60.482-7[G]  
Description: 8 difficult to monitor valves were not monitored during the year 1999, as required by rules.  
Self Report? NO Classification: Moderate  
Citation: TEXAS HEALTH AND SAFETY CODE 382.085  
Description: RE failed to control emissions on February 08, 2001 from KR-5 Kettle sample point, Incident No. 20051. This constitutes a violation of Texas Safety and Health CODE § 382.085(a),
- 2 Date: 08/31/2002 (159612)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 09/30/2002 (159615)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 10/31/2002 (159619)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 11/30/2002 (159623)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 12/31/2002 (159627)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 12/31/2002 (15110)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to control emissions.
- 8 Date: 03/05/2003 (26396)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(G)  
Description: Failure to have at least a B-surface water operator.
- 9 Date: 03/05/2003 (26394)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(G)  
Description: Failure to have proper grade of licensed operator.
- 10 Date: 04/30/2003 (159599)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 05/24/2003 (29063)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
Description: Dow failed to report the emissions and quantities by facility per 30 TAC 101.201(2)(G).
- 12 Date: 05/30/2003 (60877)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)(G)  
Description: Notification updates under TAC 335.6 are required.
- 13 Date: 06/30/2003 (296010)

	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
	Description:	Failure to meet the limit for one or more permit parameter		
14	Date:	07/25/2003 (133869)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to maintain compliance with the permit effluent limits, at outfall 601, for the daily-maximum pounds/day of zinc.		
15	Date:	08/07/2003 (61967)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Description:	Failure to prevent the release of 1,202 lbs of unauthorized ethylene emissions.		
16	Date:	08/29/2003 (151240)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1)		
	Description:	Failure to prevent the release of unauthorized emissions during an emissions event.		
17	Date:	08/30/2003 (152221)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1)		
	Description:	Failure to control VOC emissions during an emissions event.		
18	Date:	08/31/2003 (296014)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
	Description:	Failure to meet the limit for one or more permit parameter		
19	Date:	09/30/2003 (296016)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
	Description:	Failure to meet the limit for one or more permit parameter		
20	Date:	11/30/2003 (249732)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(b)(1)		
	Description:	Dow failed to report an emissions event (Investigation No. 435276) after final emissions from a scheduled maintenance event exceeded emissions reported on the Initial Notification.		
21	Date:	11/30/2003 (249734)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(b)(1)		
	Description:	Dow failed to notify the TCEQ when the maintenance event became an emissions event.		
22	Date:	12/02/2003 (250021)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT 7531		
	Description:	Failure to follow Reference Method 18 when testing for methylene chloride emissions from F-732 thermal oxidizer.		
23	Date:	01/12/2004 (253974)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.116(b)(1)(A) 30 TAC Chapter 116, SubChapter G 116.715(a)		
	Rqmt Prov:	PA Flexible Permit #20432, SC #4 and # I-17		
	Description:	Failure to meet the minimum heating value of 300 Btu/scf for a steam-assisted flare (FS-801) in accordance with 40 CFR 60.18 when waste streams containing significant quantities of hydrogen are sent to the flare.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(c)(7)		
	Description:	Dow exceeded the NOx emission cap established in the Maximum Allowable Emission Rate (MAER) table under Flexible Permit # 20432 for the three emission points (EPNs B68FU1, B70FU1 and B70F801).		
24	Date:	02/06/2004 (251940)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT TCEQ AIR PERMIT #21596, SC #1		
	Description:	Avoidable emissions event with emissions of benzene.		
25	Date:	03/29/2004 (264622)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)		
	Description:	Failure to provide a ground storage capacity which is equal to 50% of the maximum daily		

26 demand.  
Date: 03/31/2004 (296006)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
27 Date: 04/29/2004 (255279)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT TCEQ Air Permit #8567 S.C.#1  
Description: Exceeded VOC permit limit during an emissions event.  
28 Date: 04/30/2004 (254073)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter D 106.124(5)(A)  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Exceeded VOC PBR limit during an emissions event.  
29 Date: 06/01/2004 (254581)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.261(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Avoidable emissions event.  
30 Date: 06/03/2004 (258305)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
Rqmt Prov: PERMIT 1472  
OP O-02220  
Description: Failure to maintain minimum BTU requirement in gas stream to Flare A26VELR02.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 1472  
OP O-02220  
Description: Failure to maintain the minimum operating temperature in Waste Gas Boiler EPN  
A26S500.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 1472  
OP O-02220  
Description: Exceedance of permitted fill/drain rates for Tank D-275, Tank D-550 and Tank D-20M.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 1472  
OP O-02220  
Description: Exceedance of MAERs for Tank R-1B and Tank D-15C.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 1472  
OP O-02220  
Description: Failure to use submerged fill loading for railcar equipment A26VELR02 and drum loading  
equipment A26VELR04.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PERMIT 1472  
OP O-02220  
Description: Failure to equip open-ended valve with a plug.  
31 Date: 06/30/2004 (352357)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
32 Date: 07/12/2004 (258308)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Rqmt Prov: PERMIT 18561

		OP O-02221		
	Description:	Failure to cap open-ended lines.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 18561 OP O-02221		
33	Description:	Failure to maintain partial pressure records.		
	Date:	07/12/2004 (258307)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
	Description:	Failure to report a deviation in the semiannual deviation report.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 19519, Special Condition 5(E) PERMIT 48813, Special Condition 5(E) PERMIT 834, Special Condition 9(E) PERMIT 8567, Special Condition 8(E) OP O-02215		
	Description:	Failure to seal open-ended lines.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 8567 OP O-02215		
	Description:	Failure to monitor valves for fugitive emissions.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 8567 OP O-02215		
	Description:	Failure to monitor pump seals for fugitive emissions.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 19519 OP O-02215		
	Description:	Cooling tower emissions exceeded MAER for VOCs.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.144(1)(E)		
	Description:	Failure to maintain records of daily flare observations.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 106, SubChapter K 106.262(4) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	OP O-02215		
	Description:	Late submittal of PBR registration.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)		
	Rqmt Prov:	PERMIT 834 OP O-02215		
	Description:	Failure to maintain minimum BTU requirement in feed stream to flare.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 19519, Special Condition 5(I) PERMIT 48813, Special Condition 5(I) PERMIT 6803, Special Condition 8(I) PERMIT 8567, Special Condition 8(H) OP O-02215		
34	Description:	Failure to re-monitor fugitive components within 15 days.		
	Date:	08/27/2004 (267540)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit #21596, SC #1		
35	Description:	Exceeded VOC permit limit during an avoidable emissions event.		
	Date:	08/27/2004 (266751)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		

36 Rqmt Prov: PERMIT TCEQ Air Permit #21596, SC #1  
Description: Dow exceeded VOC permit limit during an avoidable emissions event.  
Date: 08/29/2004 (265955)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Exceeded HCL permit limit.  
37 Date: 11/05/2004 (338243)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(d)  
Rqmt Prov: PA NSR Permit #3320, General Provision #5  
OP Special Term & Condition #6A  
Description: Failure to maintain continuous data records of thermal oxidizer (EPN B20TOX) firebox  
temperature on 8/27/2003, 3/3/2004 and 7/6/2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP Special Term and Condition #5  
Description: Failure to maintain working pressure data of Acrylonitrile Storage Tank D-121A on  
8/27/2003, 3/3/2004 and 7/6/2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP Special Term and Condition #1A  
Description: Failure to monitor with an instrument after repair a leaking component found via AVO  
inspection on 11/14/2003 and 1/3/2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.356(2)(F)(iii)  
30 TAC Chapter 115, SubChapter D 115.356(2)(F)(iv)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(3)  
Rqmt Prov: PA NSR Permit #3320, General Provision #7K  
OP Special Term and Condition #1A  
Description: Failure to keep records of the date of first repair attempt and date of leak repair for two  
leaking valves.  
38 Date: 11/22/2004 (335797)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP O-02210, SC No. 10  
PA Permit No. 7531, SC No. 1  
Description: Unauthorized emissions which could have been avoided by good design, operation or  
maintenance practices.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
Rqmt Prov: OP O-02210, SC No. 10  
PA Permit No. 7531, SC No. 3E.  
Description: Failure to cap or plug open-ended lines per the Permit No. 7531, SC No. 3E  
39 Date: 12/16/2004 (289573)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to report an emissions event within 24 hours following incident 35402, resulting in unauthorized emissions.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: Failed to report an emissions event within 24 hours during Incident 35402  
40 Date: 12/22/2004 (289567)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT 5340  
Description: Incident 40337 was an avoidable emissions event.  
41 Date: 12/28/2004 (334606)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

	Rqmt Prov:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) PERMIT 2472, SC 9E PERMIT 2773, SC12E OP O-02206, SC 1A and SC 12		
	Description:	Failure to plug open ended valves.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 770, SC 1 OP O-02206, SC 12		
	Description:	THROX unit exceeded CO MAER.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 770, SC 6 OP O-02206, SC 12		
	Description:	Exceeded vinyl chloride average feedrate limit.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 770, SC 18 OP O-02206, SC 12		
	Description:	Exceeded firebox temperatures for THROX & TOX		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 770, SC 17 OP O-02206, SC 12		
	Description:	Flowmeters on vent stream to TOX not operational.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 770, SC 1 OP O-02206, SC 12		
	Description:	Flare A32CSF1 exceeded hourly VOC MAER		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(4)		
	Rqmt Prov:	PERMIT 2472, SC 9F PERMIT 2773, SC 12F OP O-02206, SC 1A and SC 12		
	Description:	Failure to monitor valves and pressure sensing devices		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(iii)		
	Rqmt Prov:	OP O-02206, SC 1A		
	Description:	Failure to monitor connectors		
42	Date:	12/28/2004 (256034)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT 941		
	Description:	Incident 7827 was an avoidable emissions event.		
43	Date:	12/31/2004 (338842)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H) 30 TAC Chapter 101, SubChapter F 101.201(c)		
	Description:	Dow failed to report accurately. Avoidable emissions event during Incident 43280.		
	Self Report?	NO	Classification:	Major
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(a) 30 TAC Chapter 116, SubChapter B 116.115(b) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit No. 48479 SC 1 and 4		
	Description:	Incident #43280 was avoidable, resulting in unauthorized emissions.		
44	Date:	12/31/2004 (381959)		
	Self Report?	YES	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
	Description:	Failure to meet the limit for one or more permit parameter		
45	Date:	01/14/2005 (338682)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	OP FOP O-02214, Spec Terms/Cond. 1.D. PERMIT Standard Permit #49187		
	Description:	Dow exceeded the hourly emission limit for CO on unit B246PGT62 as authorized by		

Standard Permit (SP) 49187, at the following times:

- a) 8/13/03, 16:00 to 17:00, release of 290.38 lbs/hr, an exceedance of 213%
- b) 7/1/04, 19:00 to 20:00, release of 129 lbs/hr, an exceedance of 39%

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP O-02214, Spec. Terms/Conds. #1.D.

PERMIT Standard Permit #49187

Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT62 as authorized by the Standard Permit (SP) 49187 limit of 38.3 lbs/hr, at eight (8) documented times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP O-02214, Spec. Terms/Conds. #1.A.

PERMIT NSR Permit #9044, Gen. Conditions #8

Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT63 as authorized by the NSR Permit 9044 limit of 585 lbs/hr, on 1/6/04, from 11:00 to 12:00, with a release of 590.89 lbs/hr, an exceedance of 1%.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP O-2214, Spec. Terms/Conds. #1.A.

PERMIT NSR Permit #9046, Gen. Condition #8

Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT66 as authorized by the NSR Permit 9046 limit of 826.99 lbs/hr, documented as eighteen (18) occurrences.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)

Description: Dow failed to accurately report periods of excess emissions for NOx in two semi-annual NOx RACT reports, dated January 14, 2004, and June 14, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)[G]

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Rqmt Prov: OP FOP O-02214, Spec. Terms/Cond. #1.A.

Description: Dow failed to make a timely submission of a semi-annual NOx RACT report. The deadline for the report submittal was 12/15/03, and the report was not submitted until 1/14/04.

46 Date: 03/23/2005 (347781)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT NSR Permit No. 37884, SC 8E

Description: Failed to seal open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failed to perform quarterly fugitive monitoring.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failed to attempt to repair leaks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)

Description: Failed to attempt to repair leaks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Title V Permit No. O-02313, SC 14

Description: Failed to meet risk management plan requirements.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

Rqmt Prov: PERMIT NSR Permit No. 37884, SC 6A

Description: Failed to maintain a minimum Btu for a flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 37884, SC 1

Description: Failed to meet maximum allowable emission rates.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failed to create a final record of an emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 37884, SC 1

47 Description: Failed to meet maximum allowable emission rates.  
Date: 05/04/2005 (338714)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02205, Special Condition #9  
Description: Dow failed to record the outlet gas temperature, at least weekly, of scrubber B5010SV110, for the weeks beginning 8/21/03, 10/5/03, 11/9/03, 11/30/03, 12/7/03, 12/14/03, 12/21/03, and 12/28/03.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02205, Special Condition #9  
Description: Dow failed to comply with the requirement to operate the scrubber B5010SV110 under the maximum stack gas temperature of 95 degrees F.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02205, Special Condition #10  
PERMIT NSR Permit #20607, Special Condition #7  
Description: Dow failed to comply with the permit condition by filling a tank truck without employing the vapor balancing method from the truck to the tank.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02205, Special Condition #10  
PERMIT NSR Permit #20774, Special Cond. #15.E.  
Description: Dow failed to maintain caps and/or plugs on nine open-ended lines in the B5016 Contract Manufacturing Plant.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02205, Special Condition #10  
PERMIT NSR Permit #20774, Spec. Cond. #9  
Description: Dow failed to maintain the water flow rate minimum on Scrubber T-543 during periods of vent gas flow.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.05181(a)[G]  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-02205, Gen. Terms and Conditions  
Description: Dow failed to authorize emissions from the production processes of various Maxistab products under either a PBR or NSR permit.

48 Date: 05/24/2005 (380324)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02217, Special Condition #1  
Description: Dow failed to keep monthly visual inspection records for three cold solvent degreasers.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
Description: Dow failed to report eighteen deviations in the First Semi-Annual Report, reporting period October 16, 2003, through April 15, 2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP FOP O-02217, Special Condition #15  
PERMIT NSR Permit #21596, General Condition #8  
Description: Dow failed to minimize emissions on 12/24/03 by allowing absorbent pads contaminated with styrene used during a pump replacement to be discarded into a secondary containment area, which then collected rain water.

49 Date: 06/17/2005 (376522)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
Description: Failure to equip open-ended lines with a cap or plug.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
Description: Failure to create records of five non-reportable emissions events within the required time frame.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
Rqmt Prov: PA NSR Permit 20432, SC I-8  
Description: Failure to complete pressure testing of tank trucks for loading operations.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
Description: Failure to monitor five pump seals monthly from March 2004 through July 2004.



	Self Report?	NO	Classification:	Moderate
	Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)		
	Description:	Failure to monitor three agitators monthly from March 2004 through July 2004.		
	Self Report?	NO	Classification:	Moderate
	Citation:	40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)		
	Description:	Failure to inspect continuous parameter monitoring data from EPNs OC3U3B901, OC3U3B902, OC3U3B903 daily from January 16, 2004 through January 29, 2004. Failure to inspect continuous parameter monitoring data from EPNs OC3U3B901, OC3U3B902, OC3U3B903 daily from January 16, 2004 through January 29, 2004.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(4)		
	Description:	Failure to monitor an accessible valve in August 2004.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	OP Title V Permit O-02207, SC 13		
	Description:	Failure to perform monthly inspection of a solvent cleaning station in October 2004.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT NSR Permit 3434, SC 1		
	Description:	Failure to meet the emission specifications for HCl, Cl2, SO2, and CO from EPNs OCD3SB901, OCD3SB902, and OCD3SB903.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter C 122.210(a)		
	Description:	Failure to submit a Title V permit revision application to include EPN B39RX210 in the permit.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	Rqmt Prov:	PERMIT NSR Permit 20432, SC 2E		
	Description:	Failure to equip open-ended lines with a cap or plug.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	Rqmt Prov:	PERMIT NSR Permit 21512, SC 9E		
	Description:	Failure to equip open-ended lines with a cap or plug. Failure to equip open-ended lines with a cap or plug.		
50	Date:	06/29/2005	(378760)	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to maintain compliance with the permitted effluent limits.		
51	Date:	07/08/2005	(376056)	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit No. 19041, SC No. 1		
	Description:	Dow had an avoidable emissions event during Incident 51417.		
52	Date:	07/22/2005	(397876)	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 335, SubChapter C 335.62 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)[G] 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11[G]		
	Description:	Complete hazardous waste determination is required.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
	Description:	NOR update required.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 335, SubChapter O 335.431(c)[G] 40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)		
	Description:	CSA, LDR, one year storage limit exceeded.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)		
	Description:	Tank containment should be free of cracks.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)		
	Description:	Tank, inspection information should be documented.		
53	Date:	08/08/2005	(396518)	
	Self Report?	NO	Classification:	Moderate

	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Description:	Dow Incident 55412 was avoidable, resulting in unauthorized emissions. The incident was not excessive.		
54	Date:	08/15/2005 (393373)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit 20775, SP No. 1		
55	Description:	Dow had an avoidable emissions event during Incident 55560.		
	Date:	08/15/2005 (398936)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT 19519 GC No. 8		
	Description:	Dow had an avoidable emissions event during Incident 59062. Not an excessive event.		
56	Date:	08/22/2005 (404732)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 4021, SC 1 OP O-02202, SC 10		
	Description:	Exceedance of MAER for chlorine for T-307; Permit 4021, SC1		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 4021, SC 7 OP O-02202, SC 10		
	Description:	Exceedance of the concentration limit for chlorine; Permit 4021, SC 7		
57	Date:	08/26/2005 (403273)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 1472, SC 5 OP O-02220, SC 7		
	Description:	Exceedance of permitted tank fill rate stipulated in Permit 1472, SC 5.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	PERMIT 1472, SC 1 OP O-02220, SC 7		
	Description:	Exceedance of the MAER for ammonia for Tank D-330; Permit 1472, SC 1		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
	Description:	Deviations omitted from 3 semiannual deviation reports		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)		
	Rqmt Prov:	PERMIT 1472, SC 8 OP O-02220, SC 1A & SC 7		
	Description:	Operation of Flare A26VEF1 without a flame present; Permit 1472, SC 8		
58	Date:	08/31/2005 (403238)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
	Rqmt Prov:	OP FOP O-02221, Special Condition #12 PERMIT NSR Permit #18561, Special Condition 6E		
	Description:	Dow failed to maintain caps and/or plugs on two open-ended lines in the B1300 Poly Glycol Methyldiethanolamines (MDEA) and Aminoethylethanolamines (AEEA) Plants for components.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(2)[G] 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)		
	Rqmt Prov:	OP FOP O-02221, Special Condition 12 PERMIT NSR Permit #18561, Special Condition 6F PERMIT NSR Permit 18561, Spec. Conds. 6E and 6K		
	Description:	Dow failed to fugitive emission monitor fifty-nine (59) components, 16 valves and 43 connectors.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

	Rqmt Prov:	OP FOP O-02221, Special Condition 12		
	Description:	PERMIT NSR Permit 18561, Special Condition 17		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		
	Rqmt Prov:	OP FOP O-02221, Special Condition 12		
	Description:	PERMIT NSR Permit 18561, Special Condition 17		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1438(f)[G]		
	Description:	Dow failed to maintain a daily average scrubber water flow for the SC-2 Kettle Scrubber (EPN B13SV3).		
59	Date:	03/02/2006 (431805)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(d)		
	Description:	Failure to store required data from November 1, 2004 to November 3, 2004.		
	Self Report?	NO	Classification:	Major
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
	Rqmt Prov:	PERMIT # 3320, General Provision 7 E		
	Description:	Failure to maintain a plug on an open ended line.		
60	Date:	03/27/2006 (374721)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit 22072 - SC 4		
	Description:	During Dow Inc. No. 80470 Dow sent emissions to an unlit flare.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit 22072 - SC 1		
	Description:	During Dow Inc No. 92568 Dow did not determine the status of the salt dome prior to drilling.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Flexible Air Permit 20432 SC III-1 & -21		
	Description:	During Dow Incident 92771 the flame of the flare was not present.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Flexible Air Permit 20432 SC III-1		
	Description:	During Dow Incident 94567 ( Inv 374721) a valve was inadvertently opened.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Flexible Air Permit 20432 SC III-1		
	Description:	Incident 51360 at Dow was an avoidable emissions event.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Flexible Air Permit 20432 SC III-1		
	Description:	Dow had an avoidable emissions event during Incident 94909.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT Permit 48813 - SC 1		
	Description:	During Incidents 84700, 84701, and 93405 Dow had avoidable emissions events		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT 48813 Special Condition 1		
	Description:	During Recordable Incident 95308, Dow had an avoidable emissions event.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		

Rqmt Prov:	5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	PERMIT 48813 SC 1		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 48813 Special Condition 1		
Description:	Dow had an avoidable emissions event during recordable Incident 90045.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Incident 83616 at Dow was avoidable.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Dow Incident 88672 was an avoidable emissions event.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Dow Incident 89747 was an avoidable emissions event.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Dow Incident 93432 was an avoidable incident.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Dow Incident 93975 was an avoidable emissions event.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Dow Incident 95602 was an avoidable emissions event.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 834 Special Condition 1		
Description:	Dow Incident 97687 was an avoidable emissions event.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
Description:	Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. Two valves at Furnace F-7 with monitoring tag Nos 193757 and 197365 were observed with open-ended lines during the on-site investigation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. An open ended line in HRVOC service at the R102/S102 bay wall area was observed during the on-site investigation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c)		
Description:	Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. An open ended line in HRVOC service at the R102/S102 bay wall area was observed during the on-site investigation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.354 30 TAC Chapter 115, SubChapter H 115.781(b) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(a)		
Description:	Failure to demonstrate that each applicable HRVOC valve in the process unit was monitored in accordance with the requirements described in 30 TAC § 115.354, as directed by 30 TAC § 115.781(b). Failure to demonstrate that each applicable HRVOC valve in the process unit was monitored in accordance with the requirement		

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.354 30 TAC Chapter 115, SubChapter H 115.781(b)		
	Description:	Failure to demonstrate that at least ten unmarked valves in HRVOC service were complying with the monitoring requirements described in the applicable sections of 30 TAC " 115.354 and 115.781(b). Ten unmarked valves in HRVOC service were subsequently numbered in the field with monitoring program identification numbers		
61	Date:	04/18/2006 (433179)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit 2008, SC1		
	Description:	Failure to notify and report in a timely manner following a reportable emissions event (Incident No. 64153), resulting in unauthorized emissions.		
62	Date:	04/20/2006 (459137)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 117, SubChapter B 117.206(e)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT Permit 46306, Special Condition 7(C)		
	Description:	Exceeded permitted limits of ammonia (NH3). Violation of Permit # 46306 Special Condition 7(C), 30 TAC 117.206 (e)(2), 30 TAC 116.115 (c), and 5C THC Chapter 382.085(b).		
63	Date:	04/26/2006 (433177)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT TCEQ Air Permit No. 2008, SC 1		
	Description:	Failure to provide a backup dempster resulting in unauthorized emissssions.( Incident No. 64154)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)		
	Description:	Dow did not report in a timely manner during Incident 64154.		
64	Date:	06/22/2006 (458889)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 20432, SC III-5 OP Title V O-02213, SC 16		
	Description:	Dow failed to meet the NOx emissions hourly standard of 0.1 lb/MMBtu 87 times, and the CO emissions hourly standard of 0.034 lb/MMBtu 276 times from Pyrolysis Furnace Nos. 1 through 7 (OC6L8H1~7) as required by NSR Permit 20432, Special Condition (SC) III-5.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 20432, SC III-6 OP Title V O-02213, SC 16		
	Description:	Dow failed to meet the NOx emissions hourly standard of 0.06 lb/MMBtu 301 times, and the CO emissions hourly standard of 0.015 lb/MMBtu 47 times from Pyrolysis Furnace Nos. 8 and 10 (OC6L8H8&10) as required by NSR Permit 20432, SC III-6.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 20432, SC 1E OP Title V O-02213, SC 1A and 16		
	Description:	Dow failed to equip open-ended lines with a valve or plug on 23 occasions.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 20432, SC III-1 OP Title V O-02213, SC 16		
	Description:	Dow failed to meet the permit allowables 4 times for NOx and 2 times for CO from Gas Turbine GT-30 (B72L7GT30).		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 20432, SC 4		

Description: OP Title V O-02213, SC 16  
 Dow failed to meet the specified requirement of 300 BTU/SCF for the Flare B60L7F1 on November 15, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: that Dow failed to record daily review of the operating parameters for 8 days as required by 40 CFR 61.354(a)(2).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 15

Description: Dow failed to collect flare pilot monitoring data for the Flares FS-1 and FX-1000 (OC6L8F1, and OC6L8F1000) on four occasions, and failed for the Flare B71S2F1 on three occasions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.702(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to route off gas from the processes subject to 40 CFR 60 Subpart RRR to its primary control device Furnaces OC6L8S1 thru OC6L8S10. The off gas was routed to the Flares OC6L8F1000 and OC6L8F1 on nineteen occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 10C

Description: Dow failed to follow precisely the written startup, shutdown, and malfunction plan on three occurrences.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 10C

Description: Dow failed to update the written startup, shutdown, and malfunction plan as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 20432, SC III-3B  
 OP Title V O-02213, SC 1A and 16

Description: Dow failed to monitor nine valves on six monthly monitoring activities during the period of April 19, 2004 through September 15, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 3B(iii)

Description: Dow failed to keep records of visible emissions observations for ten furnaces, one thermal oxidizer and one decoke vent during the 3rd quarter of 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to maintain the compartment totally enclosed and have all openings sealed for the Water Separator OC6L8D27 as one leaking connector was noted between October 14, 2004 and October 19, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 20432, SC 1E  
 OP Title V O-02213, SC 1A and 16

Description: Dow failed to equip open-ended lines with a valve or plug on four occasions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)[G]  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 20432, SC 1F  
OP Title V O-02213, SC 1A and 16

Description: Dow failed to monitor 97 valves and 8 flanges on two quarterly monitoring activities during the period of April 19, 2004 through October 18, 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to perform annual fugitive monitoring of components of the benzene waste management units on an annual basis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to inspect daily the operating parameters for benzene waste operations for 20 days to ensure proper operations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to perform one weekly visual inspection of pumps as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to perform 13 weekly visual inspections of pumps as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow f Failed to perform nine weekly visual inspections of flanges as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 21596, SC 11E  
OP Title V O-02213, SC 1A and 16

Description: Dow failed to equip open-ended lines with a valve or plug on 10 occasions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: ORDER Title V O-02213, SC 1A

Description: Dow failed to perform monthly visual car-seal inspections on Benzene Waste Management Units' closed vent system in September and October of 2004.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to perform eight daily visual flare observations as required.

65 Date: 07/14/2006 (457318)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 654, SC 4  
OP Title V O-02203, SC 14

Description: Dow failed to install a pressure gauge or its equivalent between the rupture disk and the pressure safety valve on T-4 Tower.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 654, SC 10E  
OP Title V O-02203, SC 1A and 14

Description: Dow failed to equip open-ended lines with plugs/caps on two occasions.

66 Date: 07/18/2006 (462748)

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT Special Condition 7(c)		
	Description:	Failure to meet permitted ammonia emission standard.		
67	Date:	07/18/2006	(462746)	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Description:	Ammonia limit exceedence. Violation of permit #46306 SC 7, 30 TAC 116.115(c), and 5 THC Chapter 382.085(b).		
68	Date:	07/21/2006	(457258)	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT 18561, SC 6E OP O-02221, STC 12 OP O-02221, STC 1A		
	Description:	Failure to cap or plug the Twelve (12) open-ended lines in VOC service in Specialty Chemicals 2 Unit.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter C 122.222(k)(3) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Description:	Failure to register the PBRs 106.261 and 106.262 within 10 days of increase in VOC emissions of 0.79 lbs/hr and 0.85 tons per year as a result of production of new line of products and failed to submit off-permit notification concurrently.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
	Rqmt Prov:	PERMIT 18561, SC 17 OP O-02221, STC 12		
	Description:	Failure to maintain minimum flow rate of 10 gallons per minute (gpm) of water as required by NSR permit 18561, Special Condition 17 for the SC-2 kettle scrubber (EPN B13SV3).		
69	Date:	08/11/2006	(457284)	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 117, SubChapter B 117.216(a)(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	OP Title V O-02216, SC 6C		
	Description:	Dow failed to include the specific rule citation for any unit with a claimed exemption from the emission specification of §117.206 in the final NOx control report submitted on March 31, 2005.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 20525, SC 15E PERMIT NSR 46429, SC 12E PERMIT NSR 46431, SC 13E OP Title V O-02216, SC 1A and 15		
	Description:	Dow failed to equip open-ended lines in hazardous air pollutant (HAP) with plugs/caps on fourteen occasions.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR 46431, SC 13E OP Title V O-02216, SC 1A and 15		
	Description:	Dow failed to conduct one weekly fugitive inspection by visual, audible, and/or olfactory means.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
	Rqmt Prov:	PERMIT NSR Permit 46431, SC 21 OP Title V Permit O-02216, SC 15		
	Description:	Dow failed to conduct daily analysis on the selective catalytic reduction (SCR) unit on four occasions.		



Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.211(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP Title V O-02216, SC 1A		
Description:	Dow failed to conduct stack sampling on the furnace exhaust stack (EPN A36S621) within 60 days of startup of the emissions control.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 46431, SC 17 OP Title V Permit O-02216, SC 15		
Description:	Dow failed to maintain the pH in the scrubber (EPN A36S531) at 7.5 or greater on two occasions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(a)(2) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 46431, SC 12C OP Title V Permit O-02216, SC 10D and 15		
Description:	Dow failed to conduct performance test on the thermal treatment unit (TTU) and the tail scrubber (EPN A36S531) within 180 days as required by 40 CFR 63.7(a)(2) and 63.116(c), and as required by NSR Permit 46431, SC 12C.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 46431, SC 22A OP Title V Permit O-02216, SC 15		
Description:	Dow failed to monitor the carbon bed during unloading operation for the tank (EPN A40S741).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 2008, SC 1 OP Title V Permit O-02216, SC 15		
Description:	NOx, CO, SO2 emissions in lb/hr from the flare (EPN B4F19A) exceeded the allowables specified in the Maximum Allowable Emission Rate Table for NSR Permit 2008 during a period from January 10, 2005 through March 13, 2005.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 2008, SC 9 OP Title V Permit O-02216, SC 15		
Description:	Dow failed to maintain the minimum requirement of 300 BTU/scf for the flare (EPN B4F19A) during a period from January 10, 2005 through June 10, 2005.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 2008, SC 14E OP Title V Permit O-02216, SC 1A and 15		
Description:	Dow failed to equip one open-ended line in VOC service with a cap or plug.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP Title V Permit O-02216, SC 1A and 14		
Description:	Dow failed to maintain pilots for the flare (EPN A36MDF532), which was used as a control device for tank vents V-103 and V-534 at the time the pilots went out on September 19, 2005.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP Title V Permit O-02216, SC 14		
Description:	Dow failed to keep two monthly inspection records for the degreaser (A36MDSC1).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT NSR Permit 46431, SC 13F		

OP Title V Permit O-02216, SC 1A and 15  
Description: Dow failed to monitor 107 valves during the first and second quarters of 2005.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT NSR Permit 46431, SC 14A  
OP Title V Permit O-02216, SC 1A and 15

70 Description: Dow failed to monitor 324 connectors during the first and second quarters of 2005.  
Date: 08/18/2006 (465699)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT TCEA Air Permit No. 21596, SC 1

71 Description: Dow had an avoidable emissions event during Incident No. 73674.  
Date: 08/19/2006 (480155)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP# O-02205, Special Condition #10  
PA NSR Permit #20774, Special Condition 10E  
Description: Failure to cap 6 open-ended valves/lines in HAP service per 63.167(a)(1).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP# O-02205, Special Condition #11  
OP FOP# O-02205, Special Condition #1A  
PA NSR Permit 20774, Special Condition #10E  
Description: Failure to cap one open-ended valve or line in general VOC service as required by 115.352(4).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP# O-02205, Special Condition #9  
Description: Failure to limit the outlet gas temperature of PT-110 to 95 degrees fahrenheit during venting operations.

72 Date: 08/22/2006 (484727)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)[G]  
Rqmt Prov: PERMIT VII.A.1.  
Description: Failure to report the burning of Waste Stream 2196219H in Boiler B-901 (NOR 089) on the 2005 Annual Waste Summary.

73 Date: 08/23/2006 (457315)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT NSR 20909, SC 5  
OP Title V O-02211, SC 14  
Description: Dow failed to install pressure indicators for all vent streams from process vessels that are routed to an emissions control device so that the pressure indicators would indicate positive flows from the vessels to the primary thermal oxidizer (EPN B35EWS200).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT NSR 20909, SC 8  
OP Title V O-02211, SC 14  
Description: Dow failed to operate upset diverter valves and the backup oxidizer start-up automatically when a diversion is needed from the primary thermal oxidizer (EPN B35EWS200) to the backup thermal oxidizer (EPN B34EWS201).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.216(a)(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP Title V O-02211, SC 6C  
Description: Dow failed to include the specific rule citation for any unit with a claimed exemption from the emission specification of §117.206 in the final NOx control report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT NSR 313, SC 14  
 OP Title V O-02211, SC 14  
 Description: Dow failed to record fan amperage readings once every shift.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.697(b)(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP Title V O-02211, SC 1A  
 Description: Dow failed to submit the required semiannual report within the time frame allowed.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP Title V O-02211, SC 11C  
 Description: Dow failed to follow malfunction procedure as it was written during a malfunction of a flow meter.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)[G]  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP Title V O-02211, SC 1A  
 Description: Dow failed to submit the required semiannual report within the time frame allowed.  
 Date: 08/23/2006 (457302)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP Title V O-02218, SC 6  
 Description: Dow failed to equip 23 open-ended lines with caps or plugs as fugitive emissions were represented and authorized through Permit by Rule (PBR) 106.262.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP Title V O-02218, SC 6  
 Description: Dow failed to provide notification using Form PI-7 within ten days following the modification of the facility.  
 Date: 08/23/2006 (484737)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052(e)  
 Rqmt Prov: PERMIT VI.A.21.a.  
 Description: Failure to conduct annual monitoring for fugitive emissions from Pump MP-506.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1061(b)(2)  
 Rqmt Prov: PERMIT VI.A.21.a.  
 Description: Failure to provide the notification and perform annual monitoring of valves in light liquid service.  
 Date: 08/28/2006 (497117)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: OP FOP #O-02206, Special Condition #11  
 OP FOP #O-02206, Special Condition #1A  
 PA NSR Permit 2773, Special Condition #12E  
 Description: Failure to cap 53 open-ended valves or lines in HAP service.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: OP FOP #O-02006, Special Condition #1A  
 OP FOP #O-02206, Special Condition #11  
 PA NSR Permit 2472, Special Condition #9.I  
 PA NSR Permit 2773, Special Condition #12.I  
 Description: Failure to perform Method 21 remonitoring to three valves in HAP service within 15 days.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)

Rqmt Prov: OP FOP #O-02206, Special Condition #11  
OP FOP #O-02206, Special Condition #1A  
PA NSR Permit #2472, Special Condition #9.I

Description: Failure to remonitor the P-206 pump seal, after repairs, within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-02006, Special Condition #11  
OP FOP #O-02206, Special Condition #1A  
PA NSR Permit 2472, Special Condition #9.I

Description: Failure to remonitor four flanges in HAP service, after completion of repairs, within 15 days.

77 Date: 08/31/2006 (457309)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-2710, Special Condition 3(B)(iii)

Description: Failure to conduct the visible emissions observations for the units in B6200, B4300 area during the compliance years 2004 and 2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 20432, Special Condition I-38.c  
OP O-02207, Special Condition 14

Description: Failure to conduct the quarterly cylinder gas audit (CGA) analysis of the continuous emissions monitoring system (CEMS) for the EPN B62CB1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 3434, Special Condition 27.B  
OP O-02207, Special Condition 14

Description: Failure to maintain the sulfur content of the waste oils burned in the boilers below 50 ppmw.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 20432, Special Condition 1.E  
PERMIT 3434, Special Condition 7.E  
OP O-02207, Special Condition 14  
OP O-02207, Special Condition 1A

Description: Failure to cap or plug the Eight (8) open-ended lines in VOC service in the O-02207 Title V permit area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 3434, Special Condition 7.G  
OP O-02207, Special Condition 14  
OP O-02207, Special Condition 1A

Description: Failure to monitor nine pumps in VHAP service in the O-02207 Title V permit area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-2207, General Terms & Conditions

Description: The RE failed to report some instances of deviations in the deviation report dated November 17, 2005.

78 Date: 10/12/2006 (515660)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit No. 48813, SC 1

Description: Dow failed to prevent an operator error resulting in unauthorized emissions during Incident No. 79109.

79 Date: 10/25/2006 (509774)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter D 382.085(b)

80 Rqmt Prov: PERMIT TCEQ Air Permit No. 46429 MAERT  
Description: Investigation 509774 determined that Dow failed to communicate with a contractor technician properly to prevent unauthorized emissions during Incident 76828.  
Date: 11/30/2006 (519472)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT TCEQ Permit No. 48813, SC 1  
Description: Investigation No. 519472 determined that Dow had an avoidable emissions event during Incident No. 79942.

81 Date: 12/13/2006 (512466)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02212, SC 16.A.  
Description: The Dow Chemical Company, Dow Texas Operations Freeport, failed to submit Form PI-7 on March 31, 2005, for the increase of ethylene and propylene emissions to the monitor well flare (BSRSRMW1T). This constitutes a violation of 30 Texas Administrative Code (TAC) § 106.261(a)(7)(B).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02212, SC 16.A.  
Description: PERMIT Permit No. 22072, SC 4  
the Dow Chemical Company ("Dow"), Dow Texas Operations Freeport, failed to maintain the minimum heat value for Monitor Well Flare no. 1 (unit I.D. BSRSRMW1) and Brine Flare 2 (unit I.D. BSRF401).

82 Date: 12/18/2006 (512614)  
Self Report? NO Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Dow failed to maintain records of daily average pH data for the T-734 Scrubber System (EPN B84S734) on October 5 and 6, 2005.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT NSR 7531, SC 1  
OP Title V O-02210, SC 10  
Description: Dow failed to meet the maximum permit allowable of 0.06 lb/hr for Cl2 from the T-734 Scrubber System (EPN B84S734) on the following dates during performance testing: 08-18-05 10:33 to 11:15 0.13 lb/hr; 08-29-05 11:23 to 12:14 0.38 lb/hr; 08-30-05 10:52 to 17:04 1.63 lb/hr; 10/12/05 9:43 to 13:23 0.1 lb/hr  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.262[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP Title V O-02210, SC 10  
Description: Dow failed to register a minor process modification made in April 2005 under Permits by Rule (PBR) 106.262(a)(3) within ten days following the modification of the facility.

83 Date: 01/18/2007 (512465)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02214, SC 15.A.(i)  
Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the CO limit of 400 ppmv on Boiler No. 5 (Unit ID no. B664PB5, EPN FB-45). This constitutes a violation of 30 TAC 117.206(e)(1).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP O-02214, SC 9.A.  
PERMIT Permit No. 46306, SC 7.C.  
Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the ammonia limit of 10 ppmvd on boiler FB-93 (EPN: B56SB3). This constitutes a violation of Permit no. 46306, PSD-TX-986, and N-059, Special Condition (SC) 7.C.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02214, SC 9.A.  
 PERMIT Permit No. 46306, SC 1  
 Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the maximum allowable emission rate for NOx for boiler FB-92 (EPN: B56SB2) on March 3, 2006. This constitutes a violation of Permit no. 46306, PSD-TX-986, and N-059, SC 1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02214, SC 9.A.  
 PERMIT Permit No. 46306, SC 7.A.

Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the lb/mmBtu emission rate for NOx for boilers FB-92 (EPN: B56SB2) and FB-94 (EPN: B56SB4) on March 3, 2006. This constitutes a violation of Permit no. 46306, PSD-TX-986, and N-059, SC 7.A.

84 Date: 02/16/2007 (532501)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 1.A.

Description: Failure to record 188 daily observation of the flare (Unit I.D. B3808F1) beginning February 3, 2006, through September 30, 2006. This constitutes a violation of 30 Texas Administrative Code (TAC) § 111.111(a)(4)(A)(ii).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 2.F.

Description: Failure to create a final onsite record of emissions events. This constitutes a violation of 30 TAC § 101.201(b).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, General Terms and Conditions

Description: Failure to report all incidents of deviations as required by 30 TAC § 122.145(2)(A).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 13.A.

PERMIT Permit No. 20775, SC 7.E.

Description: Failure to maintain secondary enclosures on the following open-ended line tag nos. EAI 128564.2, EAI 80701.2, EAI 80353, and 80701.2.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 1.1.(iv)

Description: Failure to maintain the pressure between on the cooling water side at a minimum of 5 psig for HRVOC greater than the process fluid side for cooling tower B3831CT1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)[G]  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to test HRVOC vents in the Research Reactor (BX250RX1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.217(a)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit an Application for Minor Permit Revisions prior to operating the Research Reactor (B250RX1).

85 Date: 02/28/2007 (542323)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Flex Air Permit No. 20432, SC III-1

Description: Investigation No. 542323 determined that Dow had an avoidable emissions event during Incident No. 84696.

86 Date: 03/27/2007 (542214)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit No. 770, SC 1

Description: Investigation No. 542214 determined that Dow Incident No. 84425 could have been avoided by good operations practices, resulting in unauthorized emissions.

87 Date: 03/31/2007 (553947)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit No. 834, SC1

Description: Investigation No. 553947 determined that Dow Incident No. 85437 was caused by operator error. The incident was avoidable, resulting in unauthorized emissions.

88 Date: 04/02/2007 (532635)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Site failed to represent volatile organic compound (VOC) emissions from Catalyst Mix Tanks D-10, D-10A, D-11, D-11A, D-12, and D-12A (B77APPT10, B77APPT10A, and B77APPT11, B77APPT11A, B77APPT12, and B77APPT12A) in the permit application for NSR Permit 8567.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02215, SC 2F

Description: Site failed to create final records of seven emissions events no later than two weeks after the end of the emissions events.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 8567, SC 6  
 OP Title V O-02215, SC 11

Description: Site failed to operate the flare (B78APF1) with a flame present for a total of 21 minutes on February 14, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 8567, SC 1  
 OP Title V O-02215, SC 11

Description: Site failed to maintain the hourly permitted emission limit of 0.34 lbs/hr of VOC for a tank (B78APST5).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 6803, SC 9E  
 PERMIT NSR 834, SC 9E  
 PERMIT NSR 8567, SC 8E  
 OP Title V O-02215, SC 11  
 OP Title V O-02215, SC 1F(v)

Description: Site failed to equip five open-ended lines with plugs/blinds. The regulated entity also discovered to fail to equip nine open-ended lines with second valves/plugs on the non-threaded drain lines of D-10, D-11, and D-12 on May 11, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(v)

Description: Site failed to conduct weekly visual inspections of pumps, compressors, and agitators in highly reactive volatile organic compound (HRVOC) service during the week of January 15, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(ii)

Description: Site failed to operate Train 1 Make Hoppers, MH-101, MH-102 & MH-103, Check Hoppers CH-101A & CH-101B, and Spin Dryer SD-102 within the established operating limits for the selected operating parameters to establish maximum potential HRVOC hourly emission data expected during normal operation for the vent (B25P2RX101).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 48813, SC 1  
OP Title V O-02215, SC 11

Description: Site failed to limit the VOC emissions from Train 2 Make Hoppers MH-201, MH-202, and MH-203 (B25P2SB201, B25P2SB202, and B25P2SB203) within the permit allowables of 1.98 lbs/hr from each hopper vent.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(i)

Description: Site failed to operate Make Hoppers MH-241, MH-243, MH-244 and MH-311 within the established operating limits for the selected operating parameters to establish maximum potential HRVOC hourly emission data expected during normal operation for the vent (B25P2VOGS).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)  
30 TAC Chapter 115, SubChapter H 115.782(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 19519, SC 10H  
PERMIT NSR 48813, SC 5H  
PERMIT NSR 6803, SC 9H  
OP Title V O-02215, SC 11

Description: Site failed to place leaker tags on six leaking valves and four leaking connectors.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 834, SC 1  
OP Title V O-02215, SC 11

Description: Site failed to limit the VOC emissions from Train 1 Blending Silos RB-1, RB-5, RB-9, and RB-13 (B41P4SB1, B41P4SB5, B41P4SB9, and B41P4SB13) within the permit allowables of 3.11 lbs/hr from each silo vent.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 834, SC 3  
PERMIT NSR 8567, SC 6  
OP Title V O-02215, SC 11  
OP Title V O-02215, SC 1F(iii)

Description: Site failed to maintain the minimum net heating value of 300 Btu/scf for the gas being combusting at the flare (B78APF1) on two occasions for a total of two hours on June 2 and 30, 2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 2

Description: Site failed to determine an emissions event (Incident # 79942) occurred on August 13, 2006 is a reportable emissions event and failed to notify the commission regional office the reportable event no later than 24 hours after the discovery of the emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 6803, SC 1  
OP Title V O-02215, SC 11

Description: Site failed to maintain VOC emissions from the flare (B27P3F1) within the emissions allowable of 10.95 lbs/hr for one hour on September 11, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(i)

Description: Site failed to conduct testing on the Poly 4 hold up hopper vents (B41V1 and B41V2) to establish maximum potential HRVOC hourly emission data by the compliance date of January 30, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 8567, SC 1  
OP Title V O-02215, SC 11

Description: Site failed to maintain VOC emissions from Tanks T-10 and T-11 within the permitted



allowables of 0.02 lbs/hr for each of the tanks, and 0.06 tons/yr for T-10 and 0.03 tons/yr for T-11.

- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: OP Title V O-02215, General Conditions
- Description: Site failed to report all instances of deviations in deviation reports.
- 89 Date: 04/13/2007 (543310)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: OP O-02203, SC 14.A.  
PERMIT Permit No. 4031, SC 16.E.
- Description: Failure to seal an open-ended line (OEL) in organic hazardous air pollutant service (unit ID: B13GBFU3).
- 90 Date: 04/27/2007 (532788)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: OP FOP O-02217, SC #15  
PERMIT TCEQ Air Permit No. 6932, SC #3A
- Description: Dow failed to prevent inadequate fuel supply to the flares.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: OP FOP O-02217, SC #15  
PERMIT TCEQ Air Permit No. 6932, S C #1
- Description: Dow failed to control the release of unauthorized VOCs.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)
- Rqmt Prov: OP FOP O-02217, SC 15  
PERMIT TCEQ Air Permit No. 19720 SC 3
- Description: Dow exceeded their annual permitted throughput loading rate.
- 91 Date: 07/11/2007 (532793)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)
- Rqmt Prov: OP Permit # O-02311, General Terms & Cond.  
OP Permit # O-02311, Special Condition #10  
PERMIT Permit #20776, Special Condition #5
- Description: Failure to prevent the solvent recovery tank system pressure from exceeding 10 psig.

F. Environmental audits.

- 1 Notice of Intent Date: 02/18/2004 (265119)  
No DOV Associated
- 2 Notice of Intent Date: 03/19/2004 (336700)  
No DOV Associated
- 3 Notice of Intent Date: 04/14/2004 (274298)  
No DOV Associated
- 4 Notice of Intent Date: 06/14/2004 (347895)  
No DOV Associated
- 5 Notice of Intent Date: 12/17/2004 (347242)  
Disclosure Date: 11/23/2005
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D  
30 TAC Chapter 115, SubChapter H  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V
- Rqmt Prov: PERMIT NSR Permit 20432  
PERMIT NSR Permit 22072
- Description: Failure to monitor Valves, Connectors, Pressure Relief Valves, Pumps, Compressors, Agitator and Instrumentation Systems in the Salt Dome Operation, LHC-7 and LHC8.
- Viol. Classification: Minor
- Citation: 30 TAC Chapter 101, SubChapter A
- Description: Failure to include components which missed monitoring in emissions inventory calculations.
- 6 Notice of Intent Date: 03/30/2005 (378947)  
No DOV Associated

- 7 Notice of Intent Date: 04/20/2005 (380855)  
No DOV Associated
- 8 Notice of Intent Date: 08/16/2005 (434104)  
Disclosure Date: 02/22/2006  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT NSR permit 37884  
Description: Failure to monitor 369 Valves, 1156 Connectors and 31 Pressure Relief Valves in the OC4 Polypropylene Unit.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A  
40 CFR Chapter 372, SubChapter J, PT 372, SubPT B  
Description: Failed to report emission calculations of components that were not monitored under a prescribed LDAR program
- 9 Notice of Intent Date: 09/16/2005 (436340)  
No DOV Associated
- 10 Notice of Intent Date: 10/26/2005 (465631)  
No DOV Associated
- 11 Notice of Intent Date: 01/06/2006 (452904)  
Disclosure Date: 05/12/2006  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F  
Description: RQ emissions event records missing information.  
Viol. Classification: Moderate  
Rqmt Prov: PERMIT NSR Permit 22070  
Description: Failure to maintain monthly emissions records for all storage tanks and loading operations.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V  
Description: Failure to maintain documentation for the design criteria of the seal system, the barrier fluid system or both for dual mechanical seal pumps in benzene service.  
Viol. Classification: Minor  
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V  
Description: Failure to label lines for Pygas.
- 12 Notice of Intent Date: 02/06/2006 (458261)  
Disclosure Date: 08/04/2006  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
30 TAC Chapter 115, SubChapter H  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H  
Description: Failure to monitor valves, connectors and pressure relief valves under a prescribed Leak Detection and Repair Program.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failure to submit emissions inventories for missed component monitoring.
- 13 Notice of Intent Date: 02/27/2006 (459089)  
No DOV Associated
- 14 Notice of Intent Date: 03/29/2006 (464367)  
No DOV Associated
- 15 Notice of Intent Date: 03/29/2006 (464509)  
No DOV Associated
- 16 Notice of Intent Date: 03/29/2006 (464513)  
Disclosure Date: 08/30/2006  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H  
Rqmt Prov: PERMIT NSR Permit 5340  
Description: Failed to monitor 341 Valves and 1018 Connectors in the A18 Chlorinated Methane Unit.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failure to include components which missed monitoring in the emissions inventory calculations.
- 17 Notice of Intent Date: 03/29/2006 (466306)  
Disclosure Date: 09/28/2006  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
30 TAC Chapter 115, SubChapter H  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H  
Rqmt Prov: PERMIT NSR Permit 8567  
Description: Failure to monitor 261 Valves and 715 Connectors in the B77 Adhesive Polymers Plant.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failed to include components that missed monitoring in emissions inventory calculations.
- 18 Notice of Intent Date: 03/29/2006 (466317)  
Disclosure Date: 09/28/2006  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
30 TAC Chapter 115, SubChapter H

Rqmt Prov: PERMIT NSR Permit 834  
Description: Failure to monitor 828 Valves, 3981 Connectors, 4 Pumps, and 6 Relief Valves in the B41 Polyethylene Plant.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to close 80 open ended lines in B41 Polyethylene Plant.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in emissions inventory calculations.

19 Notice of Intent Date: 04/21/2006 (465958)  
Disclosure Date: 10/22/2006

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

Rqmt Prov: PERMIT NSR Flex Permit 20432  
Description: Failure to monitor 633 Valves, 5175 Connectors, 4 Relief Devices and 38 Pumps in the B71 Styrene Plant.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failure to include components which missed monitoring in emissions inventory calculations.

20 Notice of Intent Date: 04/25/2006 (480426)  
Disclosure Date: 10/22/2006

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
30 TAC Chapter 115, SubChapter H  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

Rqmt Prov: PERMIT NSR Flex Permit 20525  
PERMIT NSR Flex Permit 46429  
PERMIT NSR Permit 8567

Description: Failure to monitor Valves, Connectors and Agitators in B44 Voranol Plant, failure to monitor Valves and Connectors in B46 SPC Plant and failure to monitor Valves and Connectors in B46 Blending Plant.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
30 TAC Chapter 115, SubChapter H

Rqmt Prov: PERMIT NSR Flex Permit 20525  
PERMIT NSR Flex Permit 46429

Description: Failure to include 2 Pumps and 14 Relief Valves in the LDAR Program in B44 Voranol Plant, failure to include 3 Pumps in the LDAR Program in B46 SPC Plant.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failure to include components which missed monitoring into Emissions Inventory calculations.

21 Notice of Intent Date: 05/12/2006 (465966)  
Disclosure Date: 11/15/2006

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H

Rqmt Prov: PERMIT NSR Flex permit 20432  
Description: Failure to monitor 108 Valves, 392 Connectors and 3 Pumps in the B43 Epoxy 3. Failure to monitor 898 Valves, 3018 Connectors, 12 Pressure Relief Valves, 10 Pumps and 1 Agitator in the B62 Epoxy 2.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A  
Description: Failure to include missed monitored components in emissions inventory calculations.

Viol. Classification: Minor  
Citation: 1 THC Chapter 1

Rqmt Prov: PERMIT Title V permit O-02207  
Description: Failure to included missed monitored components in previous Title V Deviation Reports.

22 Notice of Intent Date: 06/13/2006 (484536)  
No DOV Associated

23 Notice of Intent Date: 06/20/2006 (486601)  
No DOV Associated

24 Notice of Intent Date: 06/26/2006 (488476)  
No DOV Associated

25 Notice of Intent Date: 08/15/2006 (511065)  
No DOV Associated

26 Notice of Intent Date: 08/28/2006 (514018)  
No DOV Associated

27 Notice of Intent Date: 10/24/2006 (461404)  
No DOV Associated

28 Notice of Intent Date: 12/13/2006 (536545)  
No DOV Associated

29 Notice of Intent Date: 12/13/2006 (536549)  
No DOV Associated

30	Notice of Intent Date: 12/27/2006 No DOV Associated	(537891)
31	Notice of Intent Date: 01/09/2007 No DOV Associated	(541786)
32	Notice of Intent Date: 01/12/2007 No DOV Associated	(554256)
33	Notice of Intent Date: 01/19/2007 No DOV Associated	(541798)
34	Notice of Intent Date: 01/19/2007 No DOV Associated	(541800)
35	Notice of Intent Date: 01/25/2007 No DOV Associated	(541805)
36	Notice of Intent Date: 01/25/2007 No DOV Associated	(541810)
37	Notice of Intent Date: 02/13/2007 No DOV Associated	(542642)
38	Notice of Intent Date: 02/12/2007 No DOV Associated	(542650)
39	Notice of Intent Date: 02/26/2007 No DOV Associated	(554272)
40	Notice of Intent Date: 02/26/2007 No DOV Associated	(554275)
41	Notice of Intent Date: 04/02/2007 No DOV Associated	(557536)
42	Notice of Intent Date: 04/02/2007 No DOV Associated	(557539)
43	Notice of Intent Date: 04/02/2007 No DOV Associated	(557547)
44	Notice of Intent Date: 04/18/2007 No DOV Associated	(558622)
45	Notice of Intent Date: 04/16/2007 No DOV Associated	(558628)
46	Notice of Intent Date: 04/19/2007 No DOV Associated	(558643)
47	Notice of Intent Date: 04/19/2007 No DOV Associated	(558652)
48	Notice of Intent Date: 04/20/2007 No DOV Associated	(558658)
49	Notice of Intent Date: 04/18/2007 No DOV Associated	(558712)
50	Notice of Intent Date: 04/20/2007 No DOV Associated	(558725)
51	Notice of Intent Date: 04/18/2007 No DOV Associated	(558733)

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE DOW CHEMICAL  
COMPANY;  
RN100225945

§  
§  
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§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2007-0923-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Dow Chemical Company ("Dow") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Dow, represented by Matthew Paulson of the law firm of Baker Botts, L.L.P., presented this agreement to the Commission.

Dow understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Dow agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Dow.

The Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Dow owns and operates a chemical manufacturing plant located at 2301 North Brazosport Boulevard, Freeport, Brazoria County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

2. During an investigation conducted on July 5, 2005, a TCEQ Houston Regional Office investigator documented that Dow failed to comply with permitted emissions limits. Specifically, during an excessive emissions event from June 26 to August 13, 2005, Flare FS1 (EPN B60F3) and the GT-30 Gas Turbine Stack (EPN B72S30) in the Light Hydrocarbons - 7 Unit emitted 148,905 lbs of volatile organic compounds ("VOC"), 105,438 lbs of carbon monoxide ("CO"), 13,868 lbs of nitrogen oxides ("NO<sub>x</sub>"), and 1,682 lbs of benzene over a 1,160 hour period.
3. During an investigation conducted on April 6, 2006, a TCEQ Houston Regional Office investigator documented that Dow failed to comply with permitted emissions limits. Specifically, during an emissions event from February 10 to 11, 2006, Elevated Flare F1 (EPN OC6F1) and Ground Flare F1000 (EPN OC6F1000) in the Light Hydrocarbons - 8 Block OC 601 Unit emitted 34,334 lbs of VOC, [which included 31,555 lbs of highly reactive VOC ("HRVOC")], 40,066 lbs of CO, 5,938 lbs of NO<sub>x</sub>, and 3lbs of benzene over a 16 hour period.
4. During an investigation conducted on March 27, 2007, a TCEQ Houston Regional Office investigator documented that Dow failed to comply with permitted emissions limits. Specifically, on December 29, 2006, Dow conducted a stack test on the 511 Heater (EPN B27S511) located in the B-2700 block of the Plant B Site. Test results showed emissions of NO<sub>x</sub> at 5.70 lbs/hr, while permitted emissions are 3.73 lbs/hr.
5. During an investigation conducted on March 29, 2007, a TCEQ Houston Regional Office investigator documented that Dow failed to comply with permitted emissions limits. Specifically, the emissions limit for the rupture disc on the T-142 MeCl<sub>2</sub> Stripper Tower in the Polycarbonate Manufacturing Unit is zero lbs/hr, and during an excessive emissions event on February 9, 2007, the rupture disc emitted 42,500 lbs of methyl chloride over a 2.2 hour period.
6. During an investigation conducted on March 30, 2007, a TCEQ Houston Regional Office investigator documented that Dow failed to comply with permitted emissions limits. Specifically, during an emissions event on January 30, 2007, Elevated Flare F1 (EPN OC6F1) in the Light Hydrocarbons - 8 Block OC 601 Unit emitted 4,098 lbs of VOC (which included 3,479 lbs of HRVOC) and 21 lbs of benzene over a 19.6 hour period.
7. During an investigation conducted on April 30, 2007, a TCEQ Houston Regional Office investigator documented that Dow allowed unauthorized emissions. Specifically, during an emissions event on March 8, 2007, emergency vents in the Polyethylene 4 Unit, with no

authorization to emit, emitted 802 lbs of ethylene and 700 lbs of carbon over a one minute period.

8. Dow received notices of the violations on May 5, 2007, May 16, 2007, May 1, 2007, May 22, 2007, May 14, 2007, and June 16, 2007.
9. The Executive Director recognizes that, in response to this enforcement action, Dow implemented the following corrective measures at the Plant
  - a. By March 31, 2006, completed the Corrective Action Plan ("CAP") submitted in connection with the excessive emissions event that occurred June 26 to August 13, 2005.
  - b. By March 27, 2006, in connection with the emissions event that occurred February 10 to 11, 2006, created a Critical Event Review to change out power supplies on any compressor in the Light Hydrocarbons - 8 Block OC 601 Unit. Before any task like this is executed in the future, this review will be completed to ensure all details of the task are understood and both equipment and process are ready for the task.
  - c. By May 18, 2006, in connection with the emissions event that occurred February 10 to 11, 2006, developed a procedure to change out the power supplies that ensures it includes not only part numbers but verification of power voltages, amps, etc. on the parts that will be replaced and installed.
  - d. By May 4, 2007, retested the stack on the 511 Heater (EPN B27S511) located in the B-2700 block of the Plant B Site and demonstrated compliance with the permitted emissions limits for NO<sub>x</sub>.
  - e. By June 21, 2007, completed the CAP submitted in connection with the excessive emissions event that occurred on February 9, 2007.
  - f. By May 18, 2006, in order to address the emissions event that occurred on January 30, 2007 at the Elevated Flare F1 (EPN OC6F1) in the Light Hydrocarbons - 8 Block OC 601 Unit, implemented procedures to change out power supplies and include verification of power volatages, amps, and part numbers.
  - g. By June 29, 2007, in order to address the emissions event that occurred on March 8, 2007 at the emergency vents in the Polyethylene 4 Unit, provided additional training to employees on the Polyethylene IV Procedure Use Policy.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Dow is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE ch. 382.
2. As evidenced by Finding of Fact No. 3, Dow failed to comply with permitted emissions limits, during an excessive emissions event from June 26 to August 13, 2005, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, Special Condition No. III-1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 4, Dow failed to comply with permitted emissions limits, during an excessive emissions event from February 10 to 11, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, Special Condition No. III-1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 5, Dow failed to comply with permitted emissions limits, during a stack test on December 29, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Air Permit No. 6803, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 6, Dow failed to comply with permitted emissions limits, during an excessive emissions event on February 9, 2007, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Air Permit No. 7531, Special Condition Nos. 1 and 2, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 7, Dow failed to comply with permitted emissions limits, during an emissions event on January 30, 2007, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 101.20(1), and 101.20(3), 40 CFR § 60.18(c)(2) and (d), NSR Flexible Air Permit No. 20432/PSD-TX-994M1, SC General Requirement 4 and Special Condition No. III-1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 8, Dow allowed unauthorized emissions, during an emissions event on March 8, 2007, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a).



8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Dow for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of one hundred sixty-six thousand four hundred sixty-five dollars (\$166,465.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Dow paid eighty-three thousand two hundred thirty-three dollars (\$83,233.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, eighty-three thousand two hundred thirty-two dollars (\$83,232.00) of the administrative penalty shall be conditionally offset by Dow's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Dow's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

#### ORDERING PROVISIONS

1. Dow is assessed an administrative penalty in the amount of one hundred sixty-six thousand four hundred sixty-five dollars (\$166,465.00) as set forth in Conclusion of Law No. 9. It is, therefore, ordered by the TCEQ that Dow pay an administrative penalty as set forth in Conclusion of Law No. 9. The payment of this administrative penalty and Dow's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: The Dow Chemical Company, Docket No. 2007-0923-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Dow.
3. If Dow fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or

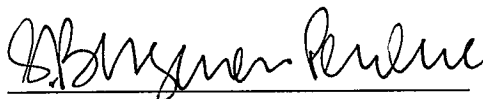
other catastrophe, Dow's failure to comply is not a violation of this Agreed Order. Dow shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dow shall notify the Executive Director within seven days after Dow becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Dow shall be made in writing to the Executive Director. Extensions are not effective until Dow receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Dow has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Dow in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Dow, or three days after the date on which the Commission mails notice of the Order to Dow, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

5/18/2009

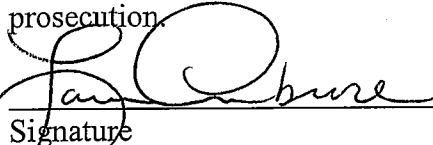
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Dow's compliance history;
- Greater scrutiny of any permit applications submitted by Dow;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Dow;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Dow; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

Laura Ambrose  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
The Dow Chemical Company

3/24/2009  
\_\_\_\_\_  
Date

Responsible Case Leader  
\_\_\_\_\_  
Title

**Attachment A**  
**Supplemental Environmental Project**

Attachment A  
Docket Number: 2007-0923-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>THE DOW CHEMICAL COMPANY</b>
<b>Penalty Amount:</b>	<b>One hundred sixty-six thousand four hundred sixty-five dollars (\$166,465)</b>
<b>SEP Offset Amount:</b>	<b>Eighty-three thousand two hundred thirty-two dollars (\$83,232)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") <i>Clean Cities/Clean Vehicles Program</i></b>
<b>Location of SEP:</b>	<b>Brazoria County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **AERCO** for the **Houston-Galveston Area Emission Reduction Credit Organization** for the *Clean Cities/Clean Vehicles Program* in Brazoria County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap. This project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate

matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, TX 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

The Dow Chemical Company  
Agreed Order 2007-0923-AIR-E

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.